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THE

OREGON ARCHIVES:

INCLUDING THE

JOURNALS, GOVERNORS' MESSAGES

AND

PUBLIC PAPERS OF OREGON,

ROM THE EARLIEST ATTEMPT ON THE PART OF THE PEOPLE TO
FORM A GOVERNMENT, DOWN TO, AND INCLUSIVE OF
THE SESSION OF THE TERRITORIAL LEGISLATURE,
HELD IN THE YEAR 1849, COLLECTED AND
PUBLISHED PURSUANT TO AN ACT
OF THE LEGISLATIVE
ASSEMBLY, PASSED
JAN. 26, 1853.

BY LA FAYETTE GROVER, COMMISSIONER.

SALEM:
ASAHEL BUSH, PUBLIC PRINTER.
1853.

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PREFACE.

In the preparation for publication of "The Oregon Archives," the Commissioner has been met with many obstacles to the perfect success and early completion of the important work assigned him. Within the proper depository of the public papers he has not been able to find entire and satisfactory records of all that, he is satisfied, has transpired in Oregon of a public general nature, and which would be of eminent historic importance. In this case, he has spared no pains to search out from other authentic and reliable sources all such information as would fill existing blanks or furnish sufficient explanation of seeming discrepancies and wants. But so short a time has been allotted him to bring his work to a close, that it goes from his hand with many fears, lest it *may* prove less perfect than it should.

He is most happy here to acknowledge the valuable assistance and information which he has derived during the course of his labors from the Hon. J. Quinn Thornton, Dr. Wm. H. Willson, and Revs. David Leslie and Josiah L. Parrish, as well as from many others who bore important parts in the early history of our territory. The commissioner also acknowledges the efficient aid of C. P. Crandall, Esq. in the immediate completion of the Archives.

L. F. G.

SALEM, O. T., *September*, 1853.

[illegible]

[illegible]

[illegible]

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PUBLIC MEETING, HELD FEB. 17, 1841.

At a meeting of some of the inhabitants of the Willamette Valley, for consultation concerning the steps necessary to be taken for the formation of laws, and the election of officers, to execute the same, for the better preservation of peace and good order, the following business was transacted :—

Rev. Jason Lee was chosen chairman, and Rev. Gustavus Hines was chosen secretary.

On motion,

Resolved—That an addition of one be made to the committee of arrangement, chosen at a previous meeting.*

On motion,

Resolved—That the chairman nominate this committee-man.

Geo. Le Breton, was nominated and elected.

Resolved—That it be recommended that there be a committee of seven, elected for the purpose of drafting a constitution and code of laws, for the government of the settlements, south of the Columbia River.

It was then

Resolved—That all settlers, north of the Columbia River, not connected with the Hudson Bay Company, be admitted to the protection of our laws, on making application to that effect.

The meeting then proceeded to advise the committee of arrangements, to propose the making of certain offices, to wit :—

A Governor ; a Supreme Judge, with probate powers ; three Justices of the Peace ; three constables ; three Road Commissioners ; an Attorney-General ; a Clerk of the Courts, and Public Recorder ; one Treasurer ; two Overseers of the Poor.

It was recommended to nominate persons to fill the several offices, and that they be chosen *viva voce*.

The meeting then resolved itself into committee of the whole, for the purpose of choosing candidates for the several offices, and after having nominated persons to fill the various offices, it was

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*No record of the meeting here referred to has been found, but it has been ascertained that it was merely an informal preliminary consultation of a few persons, immediately connected with the American mission stations in the Willamette Valley. Nothing of importance was transacted, except the election of the committee above noticed.—Com.

Resolved—That the doings of the committee of the whole be deposited in the hands of the chairman, to be presented to the meeting to-morrow.

On motion, the meeting then adjourned, to meet at eight o'clock, to-morrow.

February 18, 1841.

At a full meeting of the inhabitants of Willamette Valley, at the American Mission House,

David Leslie was elected chairman, and Sidney Smith, and Gustavus Hines, were chosen secretaries.

The doings of the previous meeting were presented to the assembly, and were accepted, in part; viz.;—

That a committee be chosen for framing a constitution, and drafting a code of laws; and that the following persons compose the committee; to wit:—

Rev. F. N. Blanchet, Rev. Jason Lee, David Donpierre, Gustavus Hines, Mr. Charlevon, Robt. Moore, J. L. Parrish, Etienne Lucie, and Wm. Johnson.

J. L. Babcock, was appointed to fill the office of supreme judge, with probate powers.

Geo. Le Breton, was chosen to fill the office of clerk of courts, and public recorder.

Wm. Johnson, was chosen to fill the office of high sheriff.

Havier Laderant, Pierre Billique, and Wm. M'Carty, were chosen constables.

Resolved—That, until a code of laws be adopted by this community, Dr. Babcock be instructed to act, according to the laws of the state of New York.

Resolved—That this meeting now adjourn, to meet on the first Tuesday of June, at the New Building, near the Catholic church.

TUESDAY, June 1, 1841.

An adjourned meeting of the inhabitants of the Willamette Valley, at the New Building, near the Catholic church, was called to order by the chairman.

On motion, the doings of the former meeting were read.

The report of the committee, for drafting a constitution and code of laws, was called for, and responded to by the Chairman and others, that no meeting of the committee had been held, consequently no report had been prepared.

Rev. F. N. Blanchet requested to be excused from serving further upon the committee to draft a constitution and code of laws, and was excused.

On motion,

Resolved—That one person be chosen to make up the number of said committee.

Dr. Bailey was chosen.

On motion,

Resolved—That this committee be instructed to meet on the first Monday in August next.

On motion,

Resolved—That this committee be instructed to report to an adjourned meeting, on the first Tuesday in October next.

On motion,

Resolved—That the committee, for drafting constitution and laws, be instructed to confer with the Commodore of the American Squadron, and John M'Loughlin, chief factor of the Hudson Bay Company, with regard to forming a constitution, and code of laws, for this community.

Resolved—That the motion, to adopt the report of the nominating committee, presented at a former meeting, be reconsidered.

Resolved—That the committee to draft a constitution, &c., be instructed to take into consideration, the number and kind of offices it will be necessary to create, in accordance with their constitution and code of laws, and report the same to the next meeting, and that the report of the nominating committee be referred to said committee.

Moved and carried, that this meeting adjourn, to meet at the American Mission House, at eleven o'clock, on the first Tuesday in October next.

(Signed) SIDNEY SMITH,
GUSTAVUS HINES,
Secretaries.

PROCEEDINGS

Of a Meeting held at the Oregon Institute, February 2, 1843.

A public meeting, of a number of the citizens of this colony, was called, in order to take into consideration the propriety of adopting some measures, for the protection of our herds, &c., in this country.

On motion,

Dr. J. L. Babcock was called to the chair, who proceeded to state the objects of the meeting, and the necessity of acting,

Mr. W. H. Gray moved, and Mr. Torn seconded the motion,—That a committee of six be appointed to notify a general meeting, and report business, &c., which motion was carried, and Messrs. Gray, Beers, Gervais, Willson, Barnaby, and Lucie, were appointed said committee.

Mr. Beers moved, that a general meeting be called, at the house of Mr. Jos. Gervais, on the first Monday in March next, at ten o'clock, A.M., which motion was carried.

W. H. WILLSON,
Secretary.

J. L. BABCOCK,
Chairman.

JOURNAL

Of a Meeting at the House of J. Gervais, 1st Monday in March, 1843.

In pursuance of a resolution of a previous meeting, the citizens of Willamette Valley met, and the meeting being called to order,

Mr. James O'Neil was chosen chairman.

Mr. Mantine was chosen as secretary, but declining to serve,

Mr. Le Breton was chosen.

The doings of the former meeting were read.

The committee, appointed to notify a general meeting, and report business, made the following report, to wit:—

Your committee beg leave to report as follows:—

It being admitted by all, that bears, wolves, panthers, &c., &c., are destructive to the useful animals, owned by the settlers of this colony, your committee would respectfully submit the following resolutions, as the sense of this meeting, by which the community may be governed in carrying on a *defensive* and *destructive* WAR against all such animals:—

Resolved—

1st. That we deem it expedient for this community, to take immediate measures for the destruction of all wolves, bears, and panthers, and such other animals as are known to be destructive to cattle, horses, sheep, and hogs.

2nd. That a treasurer be appointed, who shall receive all funds and dispense the same, in accordance with drafts drawn on him, by the committee appointed to receive the evidences of the destruction of the above-named animals; and that he report the state of the treasury, by posting up public notices, once in three months, in the vicinity of each of the committee.

3rd. That a standing committee of eight be appointed, whose duty it shall be, together with the treasurer, to receive the proofs or evidences of the animals, for which a bounty is claimed, having been killed in the Willamette Valley.

4th. That a bounty of fifty cents be paid for the destruction of a small wolf; $3 00, for a large wolf; $1 50, for the lynx; $2 00, for the bear; and $5 00, for the panther.

5th. That no bounty be paid, unless the individual claiming said bounty give satisfactory evidence, or by presenting the skin of the head with the ears, of all animals for which he claims a bounty.

6th. That the committee and treasurer form a board of advice to call public meetings, whenever they may deem it expedient, to promote and encourage all persons to use their vigilance in destroying all the animals named in the 4th resolution.

7th. That the bounties, specified in the 4th resolution, be limited to whites and their descendants.

8th. That the proceedings of this meeting be signed by the chairman, and Secretary, and a copy thereof be presented to the recorder of this colony."

On motion, the report was accepted.

It was then moved and seconded, that the report be laid on the table, which was carried.

It was moved and seconded, that the first resolution, in the report of the committee, be adopted, which was carried.

It was moved and seconded, that a sum be raised, by contribution, for the protection of our animals, which was carried.

It was moved and seconded, that the third resolution,* as amended, be adopted, which was carried.

It was moved and seconded, that two collectors be appointed to receive all subscriptions, retaining five per cent, for collecting the same, and pay the amount over to the treasurer, taking his receipt for the same, which was carried.

On motion, the fifth resolution was adopted.

On motion, the sixth resolution, as amended, was adopted.

On motion, it was

Resolved—That no one receive a bounty, (except Indians,) unless he pay a subscription of $5 00.

On motion, the seventh resolution was adopted.

On motion, the eighth and ninth resolutions were adopted.

It was moved and seconded, that the Indians receive one-half as much as the whites.

It was moved and seconded, that all claims, for bounties, be presented within ten days from the time of becoming entitled to said bounties, and, if there should be any doubts, the individual claiming a bounty shall give his oath to the various circumstances, which was carried.

On motion, W. H. Gray was chosen treasurer.

It was moved, that Messrs. M'Roy, Gervais, Maitune, S. Smith, Dougherty, O'Neil, Shortess, and Lucien, be the standing committee, which motion was carried.

It was moved, that G. W. Le Breton and Mr. Bridges be the collectors, carried.

On motion, the first resolution was adopted.

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*The original did not exhibit any amendment, nor was any amendment found among the papers, either to this resolution or to the others, subsequently mentioned in this journal.—Com.

Resolved—That no money be paid to any white, or his descendants, previous to the time of his subscription.

Resolved—That the bounty of a minor child be paid to a parent or guardian.

Resolved—That the draft for receiving subscriptions, be drawn by Mr. Gray and Mr. Le Breton.

Resolved—That drafts on Fort Vancouver, the mission, and the milling company, be received on subscriptions, as payment.

Resolved—That a committee be appointed to take into consideration the propriety of taking measures for the civil and military protection of this colony.

Resolved—That said committee consist of twelve persons.

Messrs. Dr. Babcock, Dr. White, O'Neil, Shortess, Newell, Lucie, Gervais, Hubbard, M'Roy, Gray, Smith, and Gay, were appointed said committee.

On motion, the meeting adjourned.

G. W. LE BRETON, *Secretary.*
JAMES O'NEIL, *President.*

ADDRESS,

Of the Canadian Citizens of Oregon, to the meeting at Champoeg, *March 4th,* 1843.

(From Oregon Archives)

" We, the Canadian citizens of the Willamette, considering, with interest and reflection, the subject which unites the people at the present meeting, present to the American citizens, and particularly to the gentlemen who called said meeting, the unanimous expression of our sentiments of cordiality, desire of union and inexhaustible peace between all the people, in view of our duty and the interest of the new colony, and declare,

1st. That we wish for laws, or regulations, for the welfare of our persons, and the security of our property and labors.

2nd. That we do not intend to rebel against the measures of that kind taken last year, by a party of the people; although we do not approve of certain regulations, nor certain modes of laws, let those magistrates finish their time.

3rd. That we will not address a new petition to the Government of the United States, because we have our reasons, till the line be decided, and the frontiers of the states fixed.

4th. That we are opposed to the regulations anticipated, and exposed to consequenees for the quantity, direction, &c., of lands, and whatsoever expense for the same lands, because we have no direct guarantee from the government to come, and, perhaps, to-morrow, all those measures may be broken.

5th. That we do not wish a provisional mode of government, too self interested, and full of degrees, useless to our power, and overloading the colony instead of improving it; besides, men of laws and science are too scarce, and have too much to do in such a new country.

6th. That we wish either the mode of senate or council, to judge the difficulties, punish the crimes, (except capital penalties,) and make the regulations suitable for the people.

7th. That the same council be elected and composed of members from all parts of the country, and should act in body, on the plan of civilized countries in parliament, or as a jury, and to be represented, for example, by the president of said council, and another member, as judge of peace, in each county, allowing the principle of recalling to the whole senate.

8th. That the members should be influenced to interest themselves to their own welfare, and that of the public, by the love of doing good, rather than by the hope of gain, in order to take off from the esteem of the people all suspicions of interest in the persons of their representatives.

9th. That they must avoid every law loading, and inexpedient to the people, especially to the new arrivals. Unnecessary taxes, and whatever records are of that kind, we do not want them.

10th. That the militia is useless at present, and rather a danger of bad suspicion to the Indians, and a delay for the necessary labors; in the same time, it is a load; we do not want it, either, at present.

11th. That we consider the country free, at present, to all nations, till government shall have decided; open to every individual wishing to settle, without any distinction of origin, and without asking him anything, either to become an English, Spanish, or American citizen.

12th. So we, English subjects, proclaim to be free, as well as those who came from France, California, United States, or even natives of this country; and we desire unison with all the respectable citizens who wish to settle in this country; or, we ask to be recognized as free amongst ourselves, to make such regulations as appear suitable to our wants, save the general interest of having justice from all strangers who might injure us, and that our reasonable customs and pretensions be respected.

13th. That we are willing to submit to any lawful government, when it comes.

14th. That we do not forget that we must make laws only for necessary circumstances. The more laws there are, the more opportunities for roguery, for those who make a practice of it; and, perhaps, the more alterations there will be some day.

15th. That we do not forget in a trial, that before all fraud on fulfiling of some points of the law, the ordinary proofs of the certainty of the fact ought to be duly weighed, so that justice may be done, and no shame given for fraud.

16th. In a new country, the more men employed and paid by the public, the less remains for industry.

17th. That no one can be more desirous than we are, for the prosperity, ameliorations, and general peace of the country, and especially for the guaranty of our rights and liberties; and such is the wish we make for all those who are, or may become, our fellow countrymen, &c., for long years of peace.

[Then follow our names and persons.]

PUBLIC MEETING, AT CHAMPOOICK, MAY 2, 1843.

At a public meeting of the inhabitants of the Willamette settlements, held in accordance with the call of the committee, chosen at a former meeting, for the purpose of taking steps to organize themselves into a civil community, and provide themselves with the protection, secured by the enforcement of law and order,

Dr. J. L. Babcock was chosen chairman, and Messrs. Gray, Le Breton, and Willson, secretaries.

The committee made their report, which was read, and

A motion was made, that it be accepted, which was lost.

Considerable confusion existing in consequence,

It was moved by Mr. Le Breton, and seconded by Mr. Gray, that the meeting divide, preparatory to being counted; those in favour of the objects of this meeting taking the right, and those of a contrary mind taking the left, which being carried by acclamation, and a great majority being found in favour of organization, the greater part of the dissenters withdrew.

It was then moved and carried, that the report of the committee be taken up, and disposed of article by article.

A motion was made and carried, that a supreme judge, with probate powers, be chosen to officiate in this community.

Moved and carried, that a clerk of the court, or recorder, be chosen.

Moved and carried, that a sheriff be chosen.

Moved and carried, that three magistrates be chosen.

Moved and carried, that three constables be chosen.

Moved and carried, that a committee of nine persons be chosen, for the purpose of drafting a code of laws, for the government of this community, to be presented to a public meeting to be hereafter called by them, on the fifth day of July next, for their acceptance.

A motion was made and carried, that a treasurer be chosen.

Moved and carried, that a major, and three captains, be chosen.

Moved and carried, that we now proceed to choose the persons to fill the various offices, by ballot.

W. E. Willson was chosen to act as supreme judge, with probate powers.

G. W. Le Breton was chosen to act as clerk of court, or recorder.

J. L. Meek was chosen to fill the office of sheriff.

W. H. Willson was chosen treasurer.

Moved and carried, that the remainder of the officers be chosen by hand ballot, and nomination from the floor.

Messrs. Hill, Shortess, Newell, Beers, Hubbard, Gray, O'Neil, Moore, and Dougherty, were chosen to act as the legislative committee.

Messrs. Burns, Judson, and A. T. Smith, were chosen to act as magistrates.

Messrs. Elbert, Bridges, and Lewis, were chosen to act as constables.

Mr. John Howard was chosen mayor.

Messrs. Wm. M'Carty, C. M'Ray, and S. Smith, were chosen captains.

Moved and carried, that the legislative committee make their report on the 5th day of July next, at Champooick.

Moved and carried, that the services of the legislative committee be paid for, at $1 25, per day, and that the money be raised by subscription.

Moved and carried, that the mayor and captains be instructed to enlist men to form companies of mounted riflemen.

Moved and carried, that an additional magistrate and constable be chosen.

Mr. Campo was chosen as an additional magistrate.

Mr. Matthew was chosen as an additional constable.

Moved and carried, that the legislative committee shall not sit over six days.

The meeting was then adjourned.

The question having arisen, with regard to what time the newly-appointed officers shall commence their duties, the meeting was again called to order, when

It was moved and carried, that the old officers remain in office till the laws are made and accepted, or until the next public meeting.

Attest,

G. W. LE BRETON.

JOURNAL

Of the Legislative Committee, May 16th, 1843.

WILLAMETTE, MAY, 16, 1843.

The legislative committee met, and came to order, by choosing Mr. Moore, chairman, and G. W. Le Breton, secretary.

On motion of Mr. Gray, a committee of three, Messrs. Gray, Shortess, and Newell, was appointed to prepare rules, and business, for this house.

The committee, appointed to prepare rules and business for the house, made their report.

The report was taken up, and the rules were adopted, article by article.

On motion, it was decided that the committee sit with open doors.

Moved and carried, that a judiciary committee be appointed by the chair.

Messrs. Beers, Hubbard, and Shortess, were appointed.

Moved and carried, that a committee of ways and means be appointed.

Messrs. Shortess, O'Neil, and Dougherty, were appointed.

Moved and carried, that the motion, authorizing the chairman to appoint the chairman of the committee of ways and means be reconsidered.

Messrs. Shortess, O'Neil, and Dougherty, were then chosen committee of ways and means.

Moved and carried, that a committee, on military affairs, be appointed by the chair.

Messrs. Hubbard, Newell, and Gray.

Moved and carried, that a committee, on private land claims, be appointed by the chair.

Messrs. Shortess, Dougherty, and Hill.

Moved and carried, that a committee, on the division of the country into districts, not to exceed five, be appointed by the chair.

Messrs. Gray, Dougherty, and Beers, were appointed.

Moved and carried, that the house adjourn to eight o'clock, tomorrow morning.

MAY 17, 1843.

The house was called to order by the chairman, and Mr. Gray appointed secretary, *pro. tem.* The session was then opened with prayer. The minutes of yesterday's session were read, corrected, and accepted.

The committee on judiciary reported in part. The report was accepted.

The committee on land claims reported in part. The report was accepted.

Moved and carried, that the house adjourn, for the preparing of business, for one hour and a half.

The time of adjournment having expired, the house was called to order, by the chairman.

The judiciary reported progress.—Accepted.

The committee, on military affairs, reported in part. The report was accepted.

The committee, on districts, reported in part. Report was accepted.

It was moved, that there be a standing committee, on finance, which was lost.

Moved and carried, that the house adjourn till half-past one o'clock, P.M.

HALF-PAST 1 O'CLOCK, P.M.

The house was called to order by the chairman.

Moved and carried, that the house go into committee of the whole, upon reports of committee; Mr. Gray in the chair.

Moved and carried, that the committee now rise.

Moved and carried, that the house adjourn for one hour.

At the end of an hour the house met, pursuant to adjournment.

Moved and carried, that the house go into committee of the whole, upon reports of committees; Mr. Gray in the chair.

The committee rose.

It was moved, that the report of district committee, as amended, be adopted.

Carried.

Moved and carried, that the house take a recess of fifteen minutes.

The time of recess having expired, the house was called to order.

Committee on military affairs reported progress, and requested instructions.

The house went into committee of the whole; Mr. Newell in the chair.

The committee rose, and the house adjourned till to-morrow.

MAY 18, 1843.

The house met, pursuant to adjournment, and the session was opened by prayer.

The minutes of yesterday's session were read, corrected, and accepted.

Moved and seconded, that a committee be appointed to prepare a paper, for the signatures of all persons wishing an organization, which was lost.

Moved and carried, that the rules of the house be amended by inserting an article, to be called "the ninth."

Committee of ways and means reported in full.

Accepted, and laid on the table for adoption.

Moved and carried, that the rules of the house be amended, so as to make the appointment of committees the fourth rule.

The house went into committee of the whole; Mr. Newell in the chair.

Committee rose.

It was moved and carried, that the report committee, on military affairs, be recommitted to same committee, with instructions for further action.

The judiciary committee reported, in part. Report was accepted.

Moved and carried, that the house adjourn; Mr. Newell having the floor.

The house was called to order, again, at the expiration of the time of adjournment.

House went into committee of the whole.

Committee rose.

On motion, the house took a recess of one hour.

Upon meeting again, it was moved and carried, that the committee of ways and means be instructed to prepare a subscription, for presentation at the general meeting, to procure funds to defray the expenses of the government.

House went into committee of the whole.

Committee rose.

And the house adjourned till to-morrow.

MAY 19, 1843.

The house met, pursuant to adjournment.

The roll being called, the session opened with prayer.

Moved and carried, that the house adjourn, till the call of the chairman.

The house came to order, according to adjournment.

Moved and carried, the minutes of the 18th be accepted.

It was moved and carried, that a committee of three be appointed, to prepare and arrange all the business that has been, or may be, done, hereafter, at this session, revising statutes of Iowa, &c., &c., to report at the next session of the committee, and request the clerk to copy the same.

Messrs. Gray, Beers, and O'Neil, were appointed said committee.

Committee of ways and means, reported a subscription paper, pursuant to instructions. Report was accepted.

Moved and carried, that the report be adopted.

Committee, on military affairs, reported in part. Report accepted.

House went into committee of the whole.

Committee rose.

House adjourned to two o'clock, P.M.

* * *

At two o'clock the house met.

The judiciary committee reported in full. Report was accepted.

Moved and carried, that the 4th article of the original laws, be reconsidered.

Moved and carried, that the *proviso,* to the fourth article, be adopted.

Moved and carried, that the fourth article of original law, as amended, be adopted.

House went into committee, of the whole, upon the judiciary bill; Mr. Beers in the chair.

Committee rose.

Moved and carried, that the report of committee of judiciary be adopted.

Moved and carried, that the report of judicial committee be referred to revising committee.

House went into committee, of the whole, upon military affairs; Mr. Hubbard in the chair.

Committee rose, and

The house adopted report of committee, on military affairs, and referred it to the committee on revision.

The house took a recess of half-an-hour, and, when assembled again,

It was moved and carried, that, when this house adjourn, it adjourn to meet on the last Thursday in June, at this place.

This committee recommend to the public that they appoint an executive committee of three.

Moved and carried, that the committee of three give notice to this effect, and give the reasons for the same.

Moved and carried, that the minutes of the house be accepted.

Moved and carried, that the article, appointing a revision committee, be amended, so as to read as amended.

Moved and carried, that the house adjourn by uniting in prayer.

JUNE 27, 1843.

The house met, pursuant to adjournment. Being called to order by the chairman, the session was opened by prayer.

The roll being called, there were present, Messrs. Moore, Hill, Beers, and O'Neil.

There being no quorum, the house adjourned to five o'clock, P.M.

At five o'clock the house met. Present, the same; whereupon the house adjourned to eight o'clock, Wednesday morning.

WEDNESDAY, June 28, 1843.

House met, pursuant to adjournment. Present, Messrs. Moore, Beers, Hill, O'Neil, and Shortess, constituting a quorum.

Moved and carried, that the house adjourn for one hour, to meet at the Hospital.

Met, pursuant to adjournment. Present, the same.

Moved and carried, that the revising committee be called upon for their report.

The revising committee reported.

Moved and carried, that the third article, section two, of organic law, be amended, by inserting the words "or affirmation," after the word "oath."

Moved and carried, that the report of the revising committee, so far as the judiciary is concerned, be passed.

Moved, that the report of revising committee, so far as relates to ways and means, be rejected.

Lost.

Moved and carried, that the report of committee, on revision, so far as relates to ways and means, be adopted.

Moved and carried, that the report of revising committee, on military affairs, be adopted.

Moved and carried, that the report of revising committee, on private land claims, be adopted.

Moved and carried, that the report of revising committee, on districts, be amended, to read as passed.

Moved and carried, that the report, of revising committee, be amended, in the second and fourth articles, as passed.

Moved and carried, that the report of revising committee, upon districting the territory, as amended, be passed.

Moved and carried, that the chairman, of the legislative committee, present the report of said committee to the chairman of the public meeting, on the fifth of July next, and request the said committee be discharged from further service.

Moved and carried, that the house adjourn, to meet at Champooick, on the fifth of July next, at the call of the chairman.

(Signed) ROBT. MOORE,
Chairman.

Attest.
G. W. Le Breton,
Clerk.

PUBLIC MEETING,

Held on the 5th July, 1843.

The inhabitants of Oregon Territory met, pursuant to adjournment, to hear the report of the legislative committee, and to do such other business as might come before them.

The chairman of the meeting being absent, the meeting was called to order by G. W. Le Breton.

On motion, Rev. G. Hines was called to the chair.

Mr. Moore, chairman of the legislative committee, presented his report, which was read and accepted.

Moved, by L. H. Judson, the report upon ways and means be accepted.

Carried.

Moved, by J. M'Loughlin, that the first article of judiciary report be adopted.

Carried.

Moved, by L. H. Judson, second article be adopted.

Carried.

Moved, by C. M'Reoy, that the third article be adopted.

Carried.

Moved, by J. Holman, that the fourth article be adopted.

Carried.

Section second. Organic laws.

The first, second, third, and fourth articles, adopted.

The fifth article amended, as recorded, adopted.

The sixth, seventh, eighth, ninth, tenth, and eleventh articles, adopted.

The twelfth article amended, as recorded, adopted.

The thirteenth, fourteenth, fifteenth, and sixteenth articles, adopted.

The seventeenth article, amended, by inserting the word "one" for "three," adopted.

The eighteenth article, and nineteenth resolution, adopted.

Moved and carried, that the committee, for carrying into effect the nineteenth resolution, be chosen, by nomination, from the floor.

Messrs. Lee, Hines, and Walker, were chosen.

Moved and carried, that the members of the executive committee be now chosen, by ballot.

Moved and carried, that the highest number of votes decide the choice.

Moved and carried, that the votes be taken to the table, to be counted.

Messrs. Hill, Beers, and Gale, were chosen to be the members of the executive committee.

Moved and carried, that we proceed to elect a justice of the peace, in place of Mr. Burns, resigned.

Robert Moore was chosen justice of the peace.

Moved and carried, to adopt the remainder of the judiciary report; viz.:—to adopt the laws of Iowa, as recorded, by amending them so far as to retain the fees of New York, for jurors and witnesses, instead of those of Oregon Territory.

Moved and carried, to adopt the military laws. Amended, so as to continue the officers in command during good behaviour.

Moved and carried, to adopt the report, districting committee.

Moved and carried, that no person be allowed to speak more than twice to any one resolution.

Moved and carried, to proceed to appoint a justice of the peace, for Yamhill district.

On motion, James O'Neil, Esq., was chosen.

On motion, A. Cook was appointed constable.

On motion, Joel Turnham was chosen constable, for Champooick district, in place of Mr. Bridges, left the country.

The report of committee, upon ways and means, was adopted, as amended and recorded.

The report of committee, upon land claims, was adopted, with the proviso, as recorded.

Moved and carried, to purchase several law books, of Jas. O'Neil, to be the property of this community.

Moved and carried, to adopt the report of legislative committee, as a whole.

Moved and carried, to excuse the legislative committee from further services.

Moved and carried, that the committee chosen to carry into effect the nineteenth resolution, have access to all public records, and also to have authority to call upon any individual for information, necessary to carry out their instructions.

Resolved—That the chairman of this meeting, assisted by the Rev. Messrs. Lee, Clark, and Leslie, be a committee to draft, and administer an oath of office, to the civil officers, elected on the third of May, 1843; and that said officers be required to subscribe to the same, and administer the oath to the supreme judge, who shall hereafter qualify all civil and military officers, to be elected by the people.

Moved and carried, that the committee, to qualify officers, proceed to their duty, as far as practicable, this evening.

On motion, adjourned.

A true copy, from original papers.

Attest.

G. W. LE BRETON,
Recorder.

REPORT

Of Legislative Committee, upon Districts.

The legislative committee recommend that the territory be divided into four districts; as follows:—

First district, to be called the Twality District, comprising all the country south of the northern boundary line of the United States, west of the Willamette, or Multnomah, River, north of the Yamhill River, and east of the Pacific Ocean.

Second district, to be called the Yamhill District, embracing all the country west of the Willamette, or Multnomah, River and a supposed line running north and south from said river, south of the Yamhill River to the parellel of 42° north latitude, or the boundary line of the United States and California, and east of the Pacific Ocean.

Third district, to be called the Clackamas District, comprehending all the territory not included in the other three districts.

Fourth district, to be called the Champooick District, and bounded on the north by a supposed line drawn from the mouth of the Anchiyoke River, running due east to the Rocky Mountains, west by the Willamette, or Multnomah River, and a supposed line running due south from said river to the parallel of 42°, north latitude; south by the boundary line of the United States and California, and east by the summit of the Rocky Mountains.

The legislative committee also recommend that the above districts be designated as Oregon Territory.

Approved by the people, July 5th, 1843.

REPORT

Of Legislative Committee upon Ways and Means.

The legislative committee report, that a subscription paper, as follows, be put in circulation to collect funds for defraying the expenses of the government.

We, the subscribers, pledge ourselves to pay, annually, to the treasurer of Oregon Territory the sums affixed to our respective names for the purpose of defraying the expenses of government—*Provided*, that, in all cases, each individual subscriber may, at any time, withdraw his name from said subscription, upon paying up all arrearages and notifying the treasurer of the colony, of such desire to withdraw.

Approved by the people, July 5th, 1843.

REPORT

Of Legislative Committee, upon the Judiciary.

The legislative committee recommend that the following laws (upon judiciary) be adopted.

SEC. 1. We, the people of Oregon Territory, for purposes of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations, until such time as the United States of America extend their jurisdiction over us.

Be it therefore enacted, by the free citizens of Oregon Territory, that the said territory, for purposes of temporary government, be divided into not less than three, nor more than five, districts; subject to be extended to a greater number, when an increase of population shall require it.

For the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of government that may hereafter be adopted,

Be it enacted, that the following articles be considered as articles of compact, among the free citizens of this territory:—

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested, on account of his mode of worship, or religious sentiments.

ART. 2. The inhabitants of said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and trial by jury; of a proportionate representation of the people in the legislature,—and of judicial proceedings, according to the course of common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate, and no cruel or unusual punishments inflicted. No man shall be deprived of his liberty, but by the judgment of his peers, or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force, in said territory, that shall in any manner whatever interfere with, or affect private contracts, or engagements, *bona fide*, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools, and the means of education shall forever be encouraged.

The utmost good faith shall always be observed towards the Indians. Their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed; unless in just and lawful wars, authorized by the representatives of the people; but laws, founded in justice and humanity, shall, from time to time, be made, for preventing injustice being done to them, and for preserving peace and friendship with them.

ART. 4. There shall be neither slavery nor involuntary servitude in said territory, otherwise than for the punishment of crimes whereof the party shall have been duly convicted.

SEC. 2. ART. 1. *Be it enacted, by the authority aforesaid*, that the officers, elected on the 2nd of May, inst., shall continue in office, until the second Tuesday in may, 1844, and until others are elected and qualified.

ART. 2. *Be it further enacted*, that an election of civil and military officers shall be held annually, on the second Tuesday in May, in the several districts of such places as shall be designated by law.

ART. 3. Each officer heretofore elected, or hereafter to be elected, shall, before entering upon the duties of his office, take an oath or affirmation, to support the laws of the territory, and faithfully to discharge the duties of his office.

ART. 4. Every free male descendent of a white man, an inhabitant of this territory, of the age of twenty-one years and upwards, who shall have been an inhabitant of this territory at the time of its organization, shall be entitled to vote at the election of officers, civil and military, and be eligible to any office in the territory—*Provided*, that all persons of the description entitled to vote by the provisions of this section, who shall have emigrated to this territory after organization, shall be entitled to the rights of citizens after having resided six months in the territory.

ART. 5. The executive power shall be vested in a committee of three persons, elected by the qualified voters at the annual election, who shall have power to grant pardons and reprieves for offences against the laws of the territory, to call out the military force of the territory to repel invasion, or suppress insurrection, to take care that the laws are faithfully executed, and to recommend such laws as they may consider necessary, to the representatives of the people, for their action. Two members of the committee shall constitute a quorum to transact business.

ART. 6. The legislative power shall be vested in a committee of nine persons, who shall be elected by the qualified electors at the annual election, giving to each district a representation in ratio of its population, excluding Indians; and the said members of the committee shall reside in the district for which they shall be chosen.

Art. 7. The judicial power shall be vested in a supreme court, consisting of a supreme judge and two justices of the peace, a probate court, and in justices of the peace. The jurisdiction of the supreme court shall be both appellate and original. That of the probate court and justices of the peace, as limited by law—*Provided*, that individual justices of the peace shall not have jurisdiction of any matter of controversy, when the title or boundary of land may be in dispute, or where the sum claimed exceed fifty dollars.

Art. 8. There shall be a recorder elected by the qualified electors, at the annual election, who shall keep a faithful record of the proceedings in the legislative committee, supreme, and probate courts; also, record all boundaries of land presented for that purpose; and all marks and brands used for marking live stock; procure and keep the standard weights and measures required by law, seal weights and measures, and keep a record of the same; and also record wills and deeds, and other instruments of writing, required by law to be recorded.

The recorder shall receive the following fees; viz. :—for recording wills, deeds, and other instruments of writing, twelve cents for every hundred words, and the same price for copies of the same; for every weight or measure sealed, twenty-five cents; for granting other official papers and the seal, twenty-five cents; for serving as clerk of the legislative committee, the same daily pay as the members of the legislature; and for all other services required of him by this act, the same fees as are allowed for similar services by the laws of Iowa.

Art. 9. There shall be a treasurer elected by the qualified electors of the territory, who shall, before entering upon the duties of his office, give bond to the executive committee, in the sum of fifteen hundred dollars, with two or more sufficient securities, to be approved by the executive committee, conditioned for the faithful discharge of the duties of his office. The treasurer shall receive all monies belonging to the territory, that may be raised by contribution, or otherwise, and shall procure suitable books, in which he shall enter an account of his receipts and disbursements.

Art. 10. The treasurer shall in no case pay money out of the treasury, but according to law, and shall annually report to the legislative committee, a true account of his receipts and disbursements, with necessary vouchers for the same, and shall deliver to his successor in office, all books, money, accounts, or other property, belonging to the territory, so soon as his successor shall become qualified.

Art. 11. The treasurer shall receive, for his services, the sum of five per cent. of all moneys received and paid out, according to law, and three per cent. of all moneys in the treasury when he goes out of office, and two per cent. upon the disbursement of money in the treasury when he comes into office.

Art. 12. The laws of Iowa territory shall be the law of this territory, in civil, military, and criminal cases; where not otherwise provided for; and where no statute of Iowa territory applies, the principles of common law and equity shall govern.

ART. 13. The law of Iowa territory, regulating weights and measures, shall be the law of this territory—*Provided*, that the supreme court shall perform the duties of the county commissioners, and the recorder shall perform the duties of the clerk of the county commissioners, as prescribed in said laws of Iowa—*And provided*, that 60 lbs., avordupois weight, shall be the standard weight of a bushel of wheat, whether the same be more or less than 2150..2-5 cubic inches.

ART. 14. The laws of Iowa territory, respecting wills and administrations, shall be the law of this territory, in all cases not otherwise provided for.

ART. 15. The law of Iowa, respecting vagrants is hereby adopted, as far as adapted to the circumstances of the citizens of Oregon.

ART. 16. The supreme court shall hold two sessions annually, upon the third Tuesdays in April and September; the first session to be held at Champooick, on the third Tuesday of September, 1843, and the second session at Twality Plains, on the third Tuesday of April, 1844. At the sessions of the supreme court, the supreme judge shall preside, assisted by two justices—*Provided*, that no justice shall assist in trying any case that has been brought before the court, by appeal from his judgment. The supreme court shall have original jurisdiction, in cases of treason, felony, or breaches of the peace, and in civil cases, where the sum claimed exceed fifty dollars.

ART. 17. All male persons, of the age of sixteen years and upwards, and all females of the age of fourteen and upwards, shall have right in engaging in marriage—*Provided*, that where either of the parties shall be under the age of twenty-one, the consent of the parents or guardians of such minors shall be necessary to the validity of such matrimonial engagement. Every ordained minister of the gospel of any religious denomination, the supreme judge, and all justices of the peace, are hereby authorized to solemnize marriages according to law, to have the same recorded, and pay the recorder's fee. All marriages shall be recorded by the territorial recorder, within one month from the time of such marriage taking place and being made known to him officially. The legal fee for marriage shall be one dollar, and for recording the same, fifty cents.

ART. 18. All offices subsequently made shall be filled by election and ballot in the several districts, in the most central and convenient place in each district, upon the day appointed by law, and under such regulations as the laws of Iowa provide.

ART. 19. *Resolved*—That a committee of three be appointed to draw up a digest of the doings of the people of this territory, with regard to an organization, and transmit the same to the United States Government, for their information.

Resolved—That the following portions of the laws of Iowa, as laid down in the statute laws of the territory of Iowa, enacted at the first session of the legislative assembly of said territory, held at Burlington, A.D. 1838-9; published by authority, Du Buque, Bussel, and Reeves, printers, 1839. Certified to be a correct copy, by Wm. B. Conway, secretary of Iowa territory, be adopted as the laws of this territory; viz.:—

The Law of	Attachment,	page	52	to	64
,, ,,	Bonds,	,,	70		
,, ,,	Constables	,,	71	,,	73
,, ,,	Construction of statutes	,,	73	,,	75
,, ,,	Costs and fees	,,	75	,,	89
,, ,,	Criminal offences	,,	109	,,	125
,, ,,	Courts of probate	,,	126	,,	127
,, ,,	Depositions	,,	172	,,	177
,, ,,	Executions	,,	197	,,	205
,, ,,	Forcible entry and detainer	,,	217	,,	220
,, ,,	Gaming	,,	221	,,	224
,, ,,	Indians, sale of liquor to	,,	274		
,, ,,	Jurors	,,	277	,,	281
,, ,,	Justices of the peace	,,	281	,,	321
,, ,,	Militia	,,	329	,,	337
,, ,,	Minors, orphans, and guardians	,,	347	,,	350
,, ,,	Mills and millers	,,	343	,,	346
,, ,,	Ne exeat and injunctions	,,	350	,,	353
,, ,,	Partition	,,	354	,,	364
,, ,,	Practice of the courts	,,	370	,,	381
,, ,,	Promissory notes	,,	381	,,	385
,, ,,	Public administrators	,,	385	,,	388
,, ,,	Public lands	,,	388		
,, ,,	Recorder	,,	396	,,	397
,, ,,	Replevin	,,	398	,,	400
,, ,,	Right	,,	419	,,	426
,, ,,	Seals	,,	435		
,, ,,	Securities	,,	439	,,	440
,, ,,	Sheriffs	,,	441	,,	447
,, ,,	Territorial treasurer	,,	452		
,, ,,	Vagrants	,,	455	,,	456
,, ,,	Venue, change of, &c.	,,	457	,,	460
,, ,,	Waste	,,	460	,,	462
,, ,,	Water crafts, lost goods, and estrays		462	,,	470
,, ,,	Weights and measures	,,	470		
,, ,,	Wills and administrations	,,	471	,,	513
,, ,,	Worshipping congregations	,,	513	,,	514

Approved by the people, July 5th, 1843.

MILITIA LAW

Art. 1. The militia of this territory shall be arranged into one battalion, consisting of three or more companies of mounted riflemen.

Art. 2. That in case of the removal of the major by death or otherwise, it shall be the duty of the executive committee to appoint another, whose duty it shall be to serve in the place of such removed officer, until the annual election.

Art. 3. When a portion of country is so distant or so situated, that in the opinion of the executive committee, it would be inconvenient for the persons residing therein to belong to an organized company, they shall be organized into a separate company, under the command of a captain appointed by themselves, and give due notice to the major of the battalion, and be subject to the same laws and regulations as the other companies of the battalion.

Art. 4. All companies shall meet once in each year for company inspection, on the last Tuesday in September, well mounted, with a good rifle or musket, and accoutrements for company inspection and military exercise.

Art. 5. It shall be the duty of the major to notify each captain, and of the captains to notify each member of his company, of the day and place of each annual meeting of his battalion and company, at least six days previous to such meeting.

Art. 6. It shall be the duty of each male inhabitant, over the age of sixteen years and under sixty, who wishes to be considered a citizen, to cause himself to be enrolled by giving his name to the proper officers of the militia, and serve under the same, except such as are hereafter excepted.

Art. 7. That fines shall be laid on all who fail to adhere to the commands of the executive committee, and the same shall be expended for amunition and arms without delay, and some person appointed to take charge of the magazine, wherever the executive committee shall direct its location.

Art. 8. It shall be the duty of the executive committee to appoint a surgeon to the battalion, who shall serve in his profession, when so ordered by the executive committee.

Art. 9. It shall be lawful for any commissioned officer, in case of invasion or insurrection, to order out the militia under his command

—*Provided*, that he has sufficient reason for so doing, and give immediate notice thereof to the executive committee.

ART. 10. The militia of this territory shall, with the advice and consent of the ex-committee, be subject to the call of the authorized agents of the United States government, until she may send troops to support the same.

Adopted by the people, July 5th, 1843.

LAW OF LAND CLAIMS.

ART. 1. Any person now holding, or hereafter wishing to establish, a claim to land in this territory, shall designate the extent of his claim by natural boundaries, or by marks at the corners, and on the lines of such claim, and have the extent and boundaries of said claim recorded in the office of the territorial recorder, in a book to be kept by him for that purpose, within twenty days from the time of making said claim—*Provided*, that those who shall already be in possession of land, shall be allowed one year from the passage of this act, to file a description of his claim in the recorder's office.

ART. 2. All claimants shall, within six months of the time of recording their claims, make permanent improvements upon the same by building or enclosing, and also become an occupant upon said claim within one year from the date of such record.

ART. 3. No individual shall be allowed to hold a claim of more than one square mile, or 640 acres in a square or oblong form, according to the natural situation of the premises; nor shall any individual be allowed to hold more than one claim at the same time. Any person complying with the provisions of these ordinances, shall be entitled to the same recourse against trespass as in other cases by law provided.

ART. 4. No person shall be entitled to hold such a claim upon city or town sites, extensive water privileges, or other situations necessary for the transaction of mercantile or manufacturing operations, and to the detriment of the community—*Provided*, that nothing in these laws shall be so construed as to affect any claim of any mission of a religious character, made previous to this time, of an extent not more than six miles square.

Approved by the people, July 5th, 1843.

MEETING AT LARSHAPELLS.

MARCH 9, 1844.

The citizens of Champoeg district having met at the house of Mr. Larshapells, in accordance with the proclamation of the executive committee, the meeting was called to order by one of the executive committee, and the proclamation was read.

Upon the suggestion of the executive, it was moved that W. H. Willson be chairman of this meeting, and Mr. T. D. Keizer, secretary.

The object of the meeting was briefly explained by Mr. A. Beers, and the chairman.

Information was called for, concerning the depredations committed at the Willamette Falls, on the 4th instant.

Mr. Beers presented an official letter from Dr. Hill, one of the executive committee, which was read.

Statements were made by Mr. Garrison, respecting accounts received from other sources; and a letter was presented by the United States sub-Indian agent, from A. L. Lovejoy, esq., respecting the affairs of the 4th, which was read.

Statements were made by executive committee, concerning the steps they had taken, and the orders they had issued.

On motion,

The United States sub-Indian agent was requested to give his views and advice on the subject.

He accordingly related his proceedings in reference to the matter; said "he was unprepared to give advice, or suggest what was best to be done in the present case; he was fully aware of the defenceless state of the colony, and of the damages to which we were exposed; he knew the character of the Indian that was killed to be of the vilest kind; he had threatened and attempted the lives of citizens before, and he had made an unsuccessful attempt to take him, and have him punished by the Cayuse, to avoid the danger and difficulty that might result from the whites punishing him themselves. The Indian had attempted to enlist the Indians at the Falls, to burn the town, and, failing, he returned across the river, and the citizens attempted peaceably to take him; in the affray, three whites were wounded and one Indian killed."

The agent thought a more efficient organization of the territory necessary.

Some remarks were made by W. H. Gray, and a resolution offered as follows:—

Resolved—That in view of the facts presented, we deem it expedient to organize a volunteer company of mounted riflemen to co-operate with other companies, to bring to justice all the Indians engaged in the affair of the 4th March, and to protect our lives and property in future against any depredations that may be attempted, which was

Carried, unanimously; whereupon

W. H. Gray presented some articles of compact, as the basis of an organization of a volunteer company, which,

On motion,

And warm expressions of approbation from the United States sub-Indian agent, were adopted, and immediately subscribed to by nineteen volunteers.

The articles allowing the company to elect a captain, lieutenant, and ensign, as soon as twelve men should be enlisted, the company proceeded to elect, by nomination, their officers; to wit:—

For captain, T. D. Keizer; first lieutenant, J. L. Morrison; ensign, — Cason.

The captain gave notice to the company of his acceptance of the appointment, and that the company would meet at the Oregon Institute, armed and equipped according to the articles of compact, on the 11th of the present month, for company drill.

On motion,

The following resolution was unanimously adopted; to-wit:—

Resolved—That this meeting recommend to our fellow-citizens of this territory, to organize volunteer companies, in their respective districts, forthwith; and to rendezvous at the Oregon Institute, on Saturday, the 23rd instant, at 12 o'clock, A.M.

Moved,

That the proceedings of this meeting be signed by the chairman and secretary, and as much of them as is deemed proper be transmitted to the other districts.

Carried.

On motion,

Adjourned.

T. D. KEIZER, W. H. WILLSON,
Secretary. *Chairman.*

JOURNAL

Of the Legislative Committee, June 18, 1844.

WILLAMETTE FALLS, JUNE 18, 1844.

Pursuant to the organic law of Oregon, the members of the legislative committee met at the house of Mr. Hathaway.

Present: Peter H. Burnett, David Hill, and M. M. M'Carver, members from Tualitin district.

Absent: Mr. Gilmore.

A. Lawrence Lovejoy, from Clackamas district.

Daniel Waldo, Thomas D. Keizer, Robert Newell, from Champoeg district.

Yamhill district not represented.

On motion of P. H. Burnett,

David Hill was called to the chair, and

Upon motion of M. M. M'Carver,

P. H. Burnett was appointed to act as secretary, *pro tem.*, during the absence of Dr. J. E. Long, the regular secretary of this body.

On motion of P. H. Burnett,

The several members of the house were duly sworn to support the laws of Oregon, and faithfully to discharge the duties of their office.

On motion of Mr. Lovejoy,

The several members of this house were excused from producing their credentials.

On motion of Mr. Lovejoy,

The house then proceeded to the election of speaker, whereupon

Mr. Burnett put in nomination M. M. M'Carver, who was unanimously chosen speaker of the house.

On motion of Mr. Burnett,

A committee of two were appointed by the speaker to wait upon the executive committee, and inform them that the house is now in session; whereupon

Mr. Burnett and Mr. Lovejoy were appointed to compose said committee.

On motion, of Mr. Lovejoy,

The house then adjourned to meet this day, at 3 o'clock, P.M.

AFTERNOON SESSION.

The house met pursuant to adjournment.

The committee appointed to wait upon the executive committee, reported that they had performed the duty assigned them.

The executive committee then presented their message, which was read by the secretary, and

On motion of Mr. Burnett,

Was laid on the table.

The speaker then announced that he had organized the following committees; to wit:—

Ways and means—Messrs. Newell, Hill, and Gilmore.

Military affairs—Messrs. Hill, Keizer, and Gilmore.

Land claims—Messrs. Waldo, Lovejoy, and Newell.

Roads—Messrs. Burnett, Waldo, and Keizer.

Judiciary—Messrs. Burnett, Lovejoy, and Gilmore.

On motion of Mr. Keizer,

Messrs. Lovejoy, Burnett, and Waldo, were appointed a committee to draft and report rules for the government of this house.

On motion of Mr. Burnett,

So much of the executive committee's message, as relates to a more thorough organization, to vesting the executive power in a single individual, and to the appointment of several judges; and also, those parts of said message that relate to the amendment of the laws of chancery, were referred to the judiciary committee.

Also, so much of said message as relates to the militia, was referred to the committee on military affairs.

Also, so much of said message as relates to the amendment of the land law, and the repeal of the fourth section of the same, was referred to the committee on land claims.

Also, so much of said message as relates to roads, and road commissioners, was referred to committee on roads.

And also, the remainder of said message was referred to the committee of the whole, on the state of the territory.

The following resolution, presented by Mr. Newell, was unanimously adopted; to wit:—

Resolved—That a vote of thanks be returned to the executive committee, for their very satisfactory message; and that the secretary be required to furnish them a copy of this resolution.

On motion of Mr. Hill,

The house adjourned to meet again to-morrow, at 10 o'clock, A.M.

JUNE 19, 1844.

The house met pursuant to adjournment.

Present: Messrs. Burnett, Gilmore, Hill, Keizer, Lovejoy, Newell, Waldo, and Mr. Speaker.

The journal was read by the secretary *pro tem.*, and,

On motion of Mr. Lovejoy,

Was amended by striking out the word "territory."

Mr. Gilmore appeared and took his seat, and was sworn in the usual manner, by the regular secretary.

The speaker then called for petitions.

Mr. Hill presented a petition from J. J. Hubbard, and others, which was referred to the committee on roads.

Resolutions were then called, but none offered; also,

Reports from standing committees, but none were presented.

The special committee to draft and report rules for the government of the house, then made their report, which,

On motion of Mr. Burnett,

Was adopted.

On motion of Mr. Lovejoy,

The house adjourned, to meet again to-morrow, at 8 o'clock, A. M.

JUNE 20, 1844.

The house met pursuant to adjournment.

Present: Messrs. Burnett, Gilmore, Hill, Keizer, Lovejoy, Newell, Waldo, and Mr. Speaker.

The journal was then read by the secretary.

The speaker called for petitions, when

Mr. Lovejoy presented one from Robert Moore, and others, praying permission to establish a ferry at the Willamette Falls, which was,

On motion,

Referred to the committee on roads.

Mr. Burnett presented a petition from J. L. Parish, for the establishment of an additional district at Clatsop, which was referred to a special committee, consisting of Messrs. Hill, Waldo, and Newell.

Reports from standing committees were called, but none were presented.

Mr. Lovejoy gave notice, that he intended, to-morrow, to introduce a bill to legalize the acts of W. P. Dougherty.

Mr. Burnett gave notice that he intended to introduce a bill to prevent the introduction of ardent spirits into Oregon.

On motion of Mr. Newell,

The house adjourned to one o'clock, P.M.

AFTERNOON SESSION.

The house met pursuant to adjournment.

On motion,

The treasurer was called upon by the speaker for his report for the past year, which was made accordingly.

A report from the committee of ways and means was made, and,

On motion,

Was recommitted for further consideration.

On motion,

The house adjourned till to-morrow.

June 21, 1844.

The house met pursuant to adjournment.

After the reading of the journal, petitions were called, when

Mr. Lovejoy presented one from F. Ermatinger, on behalf of John M'Loughlin, for permission to establish a ferry across the Willamette river, at the falls of the same, which was referred to committee on roads.

Reports from standing committees were then called, when

Mr. Hill reported a bill on military affairs; also,

A bill to establish an additional district at Clatsop.

Mr. Burnett reported a bill on roads; also,

A bill on marriages.

All of which were read first time.

Mr. Burnett asked leave to introduce a bill to prevent the introduction of ardent spirits in Oregon.

Leave being granted,

The bill was read a first time, and

On motion,

Was referred to a special committee, consisting of Messrs. Burnett, Keizer, and Waldo.

Mr. Lovejoy asked leave to introduce a bill, to legalize the acts of W. P. Dougherty, of the Willamette falls, as justice of the peace of Clackamas district.

Leave being granted,

The bill was read a first time, and

On motion,

Referred to judiciary committee.

On motion of Mr. Lovejoy,

The land bill was read a second time.

The house then resolved itself into committee of the whole,

Mr. Newell in the chair, when

The land bill was taken up, and

On motion of Mr. Waldo,

Recommitted to standing committee for further consideration.

Mr. Lovejoy asked leave to resign the office of chairman of committee on land claims,

Which was granted.

Mr. Lovejoy then asked to be excused from serving on said committee,

Which was refused.

The committee then rose, and

The chairman reported progress.

Mr. Gilmore gave notice that, on Monday, he should ask leave to introduce a bill concerning stock..

A motion was made,

That the house do now adjourn till to-morrow, at the usual hour.

Mr. Lovejoy offered, as an amendment,

That the house adjourn till 9 o'clock,

Which was not adopted; and

The house adjourned to the usual hour.

June 22, 1844.

The house met pursuant to adjournment.

Reports from standing committees being called for,

Mr. Burnett reported the bill on roads and highways, with amendments,

Which was read the second time, and committed to the committee of the whole.

Mr. Burnett reported a bill to authorize Hugh Burns to establish a ferry at the Willamette Falls,

Which was read a first time.

Mr. Burnett reported a bill from the judiciary committee,

Which was read a first time.

The bill to prevent the introduction, sale, and manufacture, of ardent spirits, in Oregon,

Was read a second time, and ordered to be engrossed for third reading.

The bill on military affairs, and

The bill on marriages,

Were both read a second time, and referred to committee of the whole, to be considered this day.

The bill creating a new county at Clatsop was recommitted, with instructions.

Mr. Lovejoy gave notice, that, on Monday, he would ask leave to introduce a bill to authorize John M'Loughlin to establish a ferry at the Willamette Falls.

Mr. Newell gave notice, that, on Tuesday, he would ask leave to introduce a bill to authorize John M'Loughlin to construct a canal at the Willamette Falls.

Mr. Speaker announced that Mr. Newell would serve as chairman of the committee on land claims.

On motion,

The house then resolved itself into committee of the whole, on the state of the country; Mr. Lovejoy in the chair.

On motion,

The bill on military affairs was taken up, to which

Mr. Keizer offered an amendment,

Which, upon discussion, was withdrawn.

The bill on roads and highways was then taken up, to which

Mr. M'Carver offered an amendment, which,

On motion,

Was rejected.

Sundry alterations and amendments were made to the bill.

The bill on marriages was then taken up and discussed; after which,

On motion,

The committee rose, and

The chairman reported progress.

On motion,

The house adjourned till two o'clock, P.M.

AFTERNOON SESSION.

The house met pursuant to adjournment, and,

On motion of Mr. Burnett,

The rules of the house were suspended, when

Mr. Hill reported as amended, the bill creating a new county at Clatsop,

Which was read a second time, ordered to be engrossed, and,

On motion,

Was read a third time, and passed.

Mr. Newell reported a bill from committee of ways and means,

Which was read a first time.

A bill from committee on land claims,

Was read a first time.

Mr. Lovejoy presented a petition from John M'Laughlin, for permission to construct a canal at the Willamette Falls, which was referred to special committee, consisting of Messrs. Lovejoy, Newell, and Waldo.

On motion,

The bill on roads and highways was ordered to be engrossed;

Was read a third time, and passed.

The bill on marriages,

Was read a third time, and passed.

Mr. Gilmore gave notice that, on Monday, he would ask leave to introduce a bill to authorize Robert Moore to keep a ferry at the Willamette Falls.

On motion,

The house adjourned to Monday, at the usual hour.

June 24, 1844.

The house met at the usual hour, and,

After the reading of the journal,

Petitions were called for by the speaker.

Mr. Lovejoy presented a petition from the inhabitants of Yamhill, and others, praying for a wagon road from Yamhill to the forks of the Willamette river, which was referred to the committee on roads.

Reports were called, but

None presented.

Resolutions were then called, when

Mr. Keizer offered one, that the house adjourn from to-morrow to the second Tuesday in December,

Which, on discussion and division of the house, was lost.

Mr. Gilmore asked leave to introduce a bill for the protection of horses, and for other purposes, which was referred to the judiciary committee.

Mr. Gilmore asked leave to introduce a bill to authorize Robert Moore to establish a ferry at the Willamette Falls, which was referred to a select committee, consisting of Messrs. Gilmore, Lovejoy, and Waldo.

Mr. Lovejoy asked leave to introduce a bill to authorize John M'Loughlin to keep a ferry at the Willamette Falls, which was referred to same committee.

The bill for the prevention of the introduction, sale, and manufacture of ardent spirits, in Oregon, was called up for third reading, and passage.

On motion,

Dr. E. White was allowed to make some remarks in favor of said bill.

The bill was read a third time, and passed.

On motion,

The bill legalizing acts of justices of the peace, in Oregon,

Was read a second time.

On motion,

The rules of the house were suspended for the purpose of reading said bill third time, whereupon

The bill was read a third time, and passed.

The bill to authorize Hugh Burns to keep a ferry at the Willamette Falls,

Was read a second time, and referred to special committee.

The bill on judiciary,

Was read a second time, and referred to committee of the whole, to be considered this day.

The bill on land claims,

Was read a second time, and referred to committee of the whole.

The bill on military affairs,

Was read a second time, and referred to committee of the whole.

The bill on ways and means,

Was read a second time, and referred to committee of the whole.

The appropriation bill,

Was read a second time, and referred to committee of the whole.

On motion,

The house then went into committee of the whole, on the state of the country,

Mr. Hill in the chair.

The bill on the judiciary was taken up, and,

On motion,

Was postponed till to-morrow.

The bill on land claims was next called up, when

Mr. Burnett offered an amendment to the bill,

Which was adopted.

On motion,

The bill, as amended, was read by sections.

The house adjourned till 2 o'clock, P.M.

AFTERNOON SESSION.

The house met pursuant to adjournment,

When sundry alterations and amendments were made to the land claim bill.

The bill on ways and means was next considered, being read by sections, and, upon the motion being put, shall the first section pass?

The yeas and nays were called for, which were as follows:—

Yeas—Messrs. Burnett, Gilmore, Hill, Waldo, and Mr. Speaker—5.

Nays—Messrs. Keizer and Newell—2.

So the section was adopted.

The second and third sections having been adopted,

And the question, shall the fourth section be adopted? being put,

The yeas and nays were called for, when the vote stood,

Yeas—Messrs. Burnett, Gilmore, Hill, Waldo, and Mr. Speaker—5.

Nays—Messrs. Keizer, Lovejoy, and Newell—3.

So section fourth was adopted.

The remaining sections of the bill were then adopted.

The minority report on ways and means, was,

On motion,

Laid on the table.

On motion,

The consideration of the bill on military affairs, was postponed to Wednesday, at 2 o'clock.

On motion,

The committee of the whole rose, and reported progress.

The bill on land claims,

Was read a third time, and passed.

On motion,

The house adjourned, till to-morrow.

June 25, 1844.

The house met at the usual hour.

Petitions were called for by the speaker,

When Mr. Lovejoy presented one from Ransom Clark, and others, for an additional county at Yamhill,

Which was referred to a special committee, consisting of Messrs. Lovejoy, Hill, and Keizer.

Mr. Newell presented a petition from G. Hines, and others, for a charter for the Oregon Institute,

Which was referred to a select committee, consisting of Messrs. Burnett, Waldo, and Gilmore.

Mr. Newell presented a petition from George Gary, and others, for an act to incorporate the Methodist Episcopal Church,

Which was referred to the last-mentioned committee.

Reports from standing committees were called for, when—

Mr. Newell reported a bill from the committee of ways and means, regulating the salaries of officers,

Which was read a first time.

Mr. Burnett reported back a bill from committee on roads; also, A bill on stallions, without amendment,

Which report was received.

Reports from special committees were next called, when

Mr. Lovejoy reported a bill to authorize John M'Loughlin to construct a canal at the Willamette Falls,

Which was received, and

Read a first time.

Mr. Waldo reported back from special committee, the bill, with amendments, authorizing Hugh Burns to keep a ferry at the Willamette Falls,

Which was received.

Resolutions were then called, but none were presented.

ORDERS OF THE DAY.

On motion,

The rules were suspended for the special purpose of allowing Mr. Burnett to introduce a bill for the prevention of slavery in Oregon, without giving previous notice,

Which was received, and

Read a first time.

The bill on horses,

Was read a second time, and referred to committee of the whole.

On motion,

The bill on land claims was taken up, and referred to committee of the whole.

On motion,

The bill to grant H. Burns the right to keep a ferry, was ordered to be engrossed for third reading.

Was read a third time, and passed.

On motion,

The house went into committee of the whole,

Mr. Gilmore in the chair.

The bill on the judiciary, being first in order,

Was taken up, read by sections, and adopted.

The bill on appropriations,

Was next taken up, and read by sections, and, on the question, shall the seventh section be adopted?

The yeas and nays were called, when the vote stood:—

Yeas—Messrs. Hill, Keizer, Lovejoy, Newell, Waldo, and Mr. Speaker—6.

Nays—Mr. Burnett—1.

So the section was adopted.

On motion,

The committee adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The committee met at two o'clock, and,

On motion,

The land bill,

Was read by sections, and adopted.

The bill on horses,

Was recommitted, with instructions.

The committee then rose, and reported progress.

The bill on ways and means,

Was read a third time, and passed.

The appropriation bill,

Was read a third time, and passed.

On motion,

The rules were suspended, and

The land claim bill,

Was read a third time, and passed.

Mr. Burnett gave notice, that, on to-morrow, he would ask leave to introduce a bill to apportion the representation of the several counties; and one to alter the county boundaries.

Mr. Hill gave notice, that, on to-morrow, he would ask leave to introduce a bill to appoint road viewers.

On motion,

The house adjourned till to-morrow, at the usual hour.

JUNE 26, 1844.

The house met pursuant to adjournment.

Petitions were called for, when

Mr. Burnett presented one from N. H. King, for a divorce from his wife,

Which was read, and referred to the judiciary committee.

Reports from standing committees were called, when

Mr. Newell reported a bill for the appointment of an assessor, and for other purposes; also,

A bill to provide for the salary of the assessor, and for other purposes,

Which were both read a first time.

From special committee,

Mr. Burnett reported concerning the petitions of George Gary, and Gustavus Hines, for acts of incorporation,

Which report was received.

Mr. Lovejoy reported a bill for changing the boundaries of Yamhill county, by attaching a portion of Tualitin county thereto.

Report was received, and

The bill read a first time.

Mr. Gilmore reported favorably on the bill to authorize Robert Moore to establish a ferry at the Willamette Falls, and unfavorably on the bill to authorize John M'Loughlin to establish a ferry at the Willamette Falls.

On motion,

The rules were suspended for the day.

On motion,

The bill to authorize Robert Moore to keep a ferry at the Willamette Falls,

Was read a second time, and referred to committee of the whole.

Mr. Burnett presented a bill to amend several acts to organize counties,

Which was read a second time, and referred to special committee —Messrs. Burnett, Hill, and Gilmore.

Mr. Burnett presented a bill to apportion the representatives of the several counties,

Which was read a first time, and referred to last-mentioned committee.

Mr. Burnett presented a bill to regulate seamen.

Read a first time, and referred to last mentioned committee.

Mr. Hill presented a bill to appoint viewers of roads,

Which was read a first time.

On motion,

The bill to make an addition to Yamhill county,

Was read a second time, and referred to committee of the whole.

ORDERS OF THE DAY.

The bill to authorize the opening of a new road from the Willamette Falls to the falls of the Yamhill river,

Was read a second time, and referred to committee of the whole.

The bill to prevent slavery in Oregon,

Was read a second time, and referred to committee of the whole.

The bill regulating salaries,

Was read a second time, and referred to committee of the whole.

The bill to authorize John M'Loughlin to construct a canal at the Willamette Falls,

Was read a second time, and referred to committee of the whole.

Mr. Lovejoy presented a petition from F. Ermatinger, and others, for an act to incorporate Oregon City,

Which was referred to a select committee,—Messrs. Burnett, Lovejoy, and Hill.

On motion,

The appropriation bill,

Was reconsidered, and referred to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. Lovejoy in the chair.

The bill to authorize John M'Loughlin to construct a canal at the Willamette Falls, being under consideration,

Mr. Burnett offered an amendmet to said bill,

Which was adopted.

The bill was then read by sections, and adopted.

The bill authorizing Robert Moore to keep a ferry,

Was read by sections, and adopted.

The bill regulating salaries of officers,

Was read by sections, and adopted.

The bill to prevent slavery in Oregon,

Was considered, and adopted.

The committee adjourned to 2 o'clock.

AFTERNOON SESSION.

The committee met pursuant to adjournment,

The bill on military affairs,

Was considered, and adopted.

The bill to attach a part of Tualitin county to Yamhill,

Was considered, and adopted.

The appropriation bill,

Was considered, and adopted.

The bill for opening a road from the Willamette Falls to Yamhill river,

Was considered and adopted.

On motion,

The committee rose, and reported progress.

On motion,

The judiciary bill,

Was reconsidered, and referred to committee of the whole, to be considered to-morrow.

Mr. Burnett offered (by way of ryder) an amendment to the bill authorizing John M'Loughlin to construct a canal,

Which amendment was read three times, and adopted.

The bill having been read three times, and the question being put, shall the bill pass?

The yeas and nays were demanded, when the vote stood :—

Yeas—Messrs. Burnett, Gilmore, Keizer, Lovejoy, Newell, Waldo, and Mr. Speaker—7.

Nays—Mr. Hill—1.

So the bill passed.

The bill authorizing Robert Moore to keep a ferry at the Willamette Falls,

The bill was read a third time, and passed.

The bill to authorize the opening of a road, from Willamette Falls to falls of Yamhill river,

Was read a third time, and passed.

The bill regulating salaries of officers,

Was read a third time, and passed.

The bill to prevent slavery in Oregon, and for other purposes,

Was read a third time, and, on the question shall the bill pass?

The yeas and nays were demanded, when the vote stood:—

Yeas—Messrs. Burnett, Gilmore, Keizer, Waldo, Newell, and Mr. Speaker—6.

Nays—Messrs. Lovejoy and Hill—2.

So the bill passed.

The appropriation bill,

Was read a third time, and passed.

The bill to attach a part of Tualitin county to Yamhill county,

Was read a third time, and passed.

The house adjourned till to-morrow, at the usual hour.

JUNE 27, 1844.

The house met pursuant to adjournment.

Petitions were called, but none presented.

Reports from special committees being called,

Mr. Burnett reported, recommending a postponement of the consideration of the petition of W. H. King, for a divorce from his wife, until the next session of the legislature,

Which report was received.

Mr. Burnett reported the bill on horses, with amendments,

Which report was received.

Reports from standing committees being called for,

Mr. Burnett reported back the apportionment bill, the bill on seamen, and the bill on organization of counties, without amendment,

Which report was received.

Mr. Lovejoy reported unfavorably on the petition for the incorporation of Oregon City,

Which report was received.

Resolutions were next in order.

Mr. Gilmore moved that all the bills reported unfavorably upon by committees be laid on the table till next session of the legislature.

Mr. Lovejoy moved, that the house, at its next adjournment, do adjourn *sine die*,

Which motion was lost.

On motion,

The roll of members was called.

Mr. Hill being absent,

Mr. Russell was requested to inform him that his presence was required in the house.

Mr. Russell reported that "he could not find Mr. Hill."

ORDERS OF THE DAY.

The bill for the appointment of road viewers,

Was read a second time, and referred to committee of the whole.

The bill providing for the appointment of an assessor for 1844,

Was read a second time, and referred to committee of the whole.

The bill on apportionment, and the bill on the orgonization of counties,

Were both read a second time, and referred to committee of the whole.

On motion,

The report of the treasurer for last year, was laid on the table.

On motion,

The house went into committee of the whole,

Mr. Keizer in the chair.

The judiciary bill,

Was read, and considered,

To which some amendments were made, and

On motion,

The judiciary bill, as amended,

Was adopted by committee.

The bill for the appointment of an assessor, for 1844,

Was considered and adopted.

The bill for the election of an assessor, after the year 1844,

Was considered, and adopted.

The bill for the appointment of road viewers,

Was considered, and adopted.

The bill to amend several acts for the organization of counties,

Was considered, and adopted.

The appropriation bill,

Was considered, and adopted.

The bill on seamen,

Was considered, and adopted.

On motion,

The committee rose, and reported progress.

On motion,

The rules were suspended for the day,

When the judiciary bill, the bill for appointing an assessor for 1844, the bill providing for the election of an assessor after 1844, the bill to appoint road viewers, the bill for amending several acts for organization of counties, the bill on apportionment, and the bill on seamen,

Were severally read a third time, and passed.

The house then adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The house met at two o'clock, when

Mr. Burnett offered a resolution, censuring David Hill, for his misconduct in absenting himself from the house, and neglecting his duty as a member of the legislative committee,

Which was adopted.

Mr. Burnett offered a bill, amendatory of a bill on roads,

Read a first time, and,

On motion,

Was read a second time, ordered to be engrossed, and,

On motion,

Was read a third time, and passed.

On motion,

The house went into committee of the whole,

Mr. Waldo in the chair, when

The bill for the protection of horses,

Was considered, and adopted.

On motion,

The committee rose, and reported progress.

The bill for the protection of horses,

Was read a third time, and passed.

On motion,

The thanks of the house were voted to Gen. M'Carver, for the able manner in which he had discharged the duties of his office, as speaker of the house.

On motion,

The house adjourned to the third Monday in December next, A.D. 1844.

Attest. (Signed)
J. E. Long, M. M. M'CARVER,
Secretary. *Speaker.*

JOURNAL

Of the Legislative Committee, Oregon City, Monday, December 16, 1844.

Pursuant to adjournment, the members of the legislative committee met at the house of J. E. Long.

The names of members were called, when the following were

Present—Messrs. Burnett, Lovejoy, Newell, and Mr. Speaker.

Absent—Messrs. Gilmore, Hill, Keizer, and Waldo.

There being no quorum present, the house adjourned till to-morrow.

TUESDAY, Dec. 17, 1844.

The house met pursuant to adjournment.

The names of members being called, there were

Present—Messrs. Gilmore, Lovejoy, Newell, and Mr. Speaker.

Absent—Messrs. Burnett, Hill, Keizer, and Waldo.

There being no quorum, the house adjourned to two o'clock P.M.

EVENING SESSION.

The house met pursuant to adjournment,

Present—Messrs. Burnett, Hill, Gilmore, Lovejoy, and Mr. Speaker.

Absent—Messrs. Keizer and Waldo.

On motion of Mr. Lovejoy,

A committee was appointed to wait on executive committee, and inform them that this house is now ready to receive any communication they have to make.

Mr. Speaker appointed Messrs. Burnett and Lovejoy said committee.

Mr. Burnett returned to the house and reported, that the committee had performed its duty, and that the executive would have a message to report in a few minutes.

The house suspended business, when the executive committee presented the following message:—

MESSAGE,

To the Honorable the Legislative Committee of Oregon.

GENTLEMEN,—

As the expectation of receiving some information from the United States, relative to the adjustment of the claims of that government, and of Great Britain, upon this country, was the principal cause of the adjournment of this assembly, from June last to this day, we feel it our duty to communicate such information as we have been able to collect on the subject, and likewise to recommend the adoption of further measures, for the promotion and security of the interests of Oregon.

The lines, defining the limits of the separate claims of the United States and of Great Britain, to this portion of the country, had not been agreed upon when our latest advices left the United States—and, as far as we can learn, the question now stands in the same position as before the convention in London, in 1818. At that time, the United States government proposed to draw the division line, on the 49th parallel of north latitude, from the lake of the woods to the Pacific ocean. To this Great Britain would only consent in part, that the line should run on the 49th parallel, from the lake of the woods to the dividing ridge of the Rocky Mountains; and it was finally agreed upon between the parties, that all of country lying west of the Rocky Mountains, and on the Pacific ocean, should, with its harbors, bays, and rivers, remain open for ten years, to the vessels, subjects, or citizens, of both countries. But it was, at the same time, expressly understood, that the said agreement was not to be construed to affect, or prejudice, the claims of either party, or any other power, to any portion of said country. Before this agreement expired another convention was held in London, in 1827, by the two contracting powers; by which the former treaty was extended, with the provision, that when either of the parties thought fit, after the 20th October, 1828, to abrogate the convention, they were at liberty to do so, by giving twelve months' notice to the other contracting party; but nothing contained in the treaty of 1827, was to be construed, so as to affect in any manner the claims which either of the contracting parties or any other power, might have to any of the country lying west of the Rocky Mountains. The subject has again been called up for investigation by the two powers, and a negotiation was begun at Washington in the early part of the present year, but was for the time being suspended, on account of a disagreement between the parties; and notice of the abrogation of the convention of 1827, had not been given by either party, when our latest information left the United States. And we find that after all the negotiations that have been carried on, between the United States and Great Britain relative to settling their claims to this country, from October, 1818, up to May, 1844, a period of nearly twenty-six years, the question remains in the following unsettled position; viz: Neither of the parties in question claim exclusive right to the country lying west of the Rocky Mountains, between the parallels of 42 deg. and 54 deg. 40 min north latitude, and bordering on the Pacific Ocean. But one claims as much right as the other, and both claim the right of joint occupancy of the whole, without prejudice to the claims of any other state or power to any part of said country.

We have submitted to you this information, Gentlemen of the assembly, for two particular reasons.

1st. To correct an error that occurred in our last communication to this body, relative to the claims of the United States and Great Britain to this country.

2nd. That you may bear in mind, while legislating for the people of Oregon, the position in which this country stands, with regard to those claims.

We would advise that provision be made, by this body, for the framing and adoption of a constitution for Oregon, previous to the next annual election, which may serve as a more thorough guide to her officers, and a more firm basis of her laws. It should be constructed in such a manner as would best suit the local situation of the country, and promote the general interests of the citizens, without interfering with the real or pretended rights of the United States or Great Britain; except when the protection of life and property actually require it.

We would suggest, for your information, that this government has now in possession, notes given by different individuals residing in the country, amounting to $3,734 26, most of which are already due. These notes are a balance in favour of the estate of Ewing Young, of Oregon, deceased, intestate, A.D., 1840, after all legal dues, debts, and damages are paid, that have come to the knowledge of the administrator, or Probate courts of Oregon, up to this date. We would therefore advise that those demands should be collected, and appropriated to the benefit of the county, the government being at all times responsible for the payment of them, to those who may hereafter appear to have a legal right to the same.

We would again call your attention to a measure recommended in our last communication, to wit: the expediency of making provision for the erection of a public jail in this country. Although the community has suffered very little as yet for the want of such a building, and perhaps another year might pass without its being occupied, which it is hoped might be the case; yet we are assured that it is better policy to have the building standing without a tenant, than a tenant without the building. And, in order to promote industry, and the peace and welfare of the citizens of Oregon, this government must be prepared to discountenance indolence, and check vice in the bud.

We would recommend to your consideration the propriety of making provision for filling public offices which now are, or may become vacant, by resignation or otherwise, previous to the next annual election.

We would recommend that the act passed by this assembly, in June last, relative to blacks and mulattoes, be so amended as to exclude corporal punishment, and require bonds for good behaviour in its stead.

We consider it a highly important subject that the executive of this government should have laws which may direct them in settling matters relative to lands, reserved by Indians, which have been, or hereafter may be, settled upon by whites.

We would also recommend that provisions be made for the support of lunatics and insane persons, in Oregon.

With regard to the state of the treasury, we would refer you to the treasurer's report to this assembly.

We are informed that the number of emigrants who have come from the United States to this country, during the present year, amounts to upwards of 750 persons.

We would recommend that the act passed last June, defining the northern boundaries of Twality and Clatsop Counties be so explained as not to conflict with the act passed in this assembly, in June 1843, extending the limits of Oregon to 54° 40' north latitude.

And we would suggest, in conclusion, that to preserve the peace, good order, and kind feelings which have hitherto existed among the inhabitants of this country, depends very much upon the calm and deliberate judgment of this assembly. And we sincerely hope that Oregon, by the special aid of Divine Providence, may set an unprecedented example to the world, of industry, morality, and virtue.

And, although we may now be unknown as a state or power, yet we have the advantages, by united efforts of our increasing population, in a diligent attention to agriculture, arts, and literature, of attaining, at no distant day, to as conspicuous an elevation as any state or power on the continent of America.

But, in order to carry this important measure, and arise to that distinguished station, it becomes the duty of every citizen of this country, to take a deep interest in its present and future welfare.

As descendants of the United States and of Great Britain, we should honor and respect the countries which gave us birth; and, as citizens of Oregon, we should, by a uniform course of proceeding, and a strict observance of the rules of justice, equity, and republican principles, without party distinction, use our best endeavors to cultivate the kind feeling, not only of our native countries, but of all the powers or states with whom we may have intercourse.

(Signed)
OSBORN RUSSELL,
P. G. STEWART,
Executive Committee of Oregon.

(Dated)
Willamette Falls, Dec. 16, 1844.

The foregoing message was read by the clerk, and

On motion,

Laid upon the table.

On motion,

The treasurer's report was called for,

When the treasurer informed the house that he would be ready to report to-morrow.

Mr. Burnett gave notice, that, on to-morrow, he would ask leave to introduce several bills.

On motion of Mr. Burnett,

The message of the executive committee, was referred to committee of the whole.

A call being made,

The journal of the last day, in the session of June and July, 1844, was read, when

Mr. Hill rose and requested explanation, concerning a vote of censure against him, and recorded in the journal of the house.

Mr. Burnett replied to Mr. Hill, explaining his reasons for the course he had pursued, in relation to said vote of censure, and offered the following resolution:—

"That the vote of censure, passed at the last session of this house, upon David Hill, as member of the same, from Tuality county, be unanimously rescinded, as said member has explained satisfactorily to this house, that his absence was occasioned by indisposition and inability to attend; which,

On motion,

Was adopted.

On motion,

The rules were suspended, in order to pass the above resolution,

Which was read three times, and passed.

On motion,

The special committee, to whom was referred the petition of W. H. King, for a divorce, was discharged from further duty.

On motion,

The house adjourned to 9 o'clock, to-morrow.

WEDNESDAY, Dec. 18, 1844.

The house met pursuant to adjournment.

Mr. Lovejoy presented a petition for an act of incorporation of Oregon City,

Which was referred to a select committee, consisting of Messrs. Lovejoy, Newell, and Gilmore.

Mr. Lovejoy presented a petition from J. L. Meek, for an act to appoint him auctioneer,

Which was referred to committee of ways and means.

Mr. Lovejoy presented a petition asking for a road from Oregon City to the Columbia river, opposite Fort Vancouver—and a charter for constructing a bridge across Clackamas river,

Which was referred to committee on roads and highways.

Mr. Burnett presented a petition from 175 persons, asking for an act of incorporation, authorizing the opening of a water communication from Tuality plains to the Willamette river,

Which was referred to a select committee, consisting of Messrs. Burnett, Newell, and Hill.

Mr. Lovejoy presented the following resolution:—

"Whereas this house has had its regular session, and passed what acts seemed in their judgment necessary—Therefore *Resolved*—That this body deem it inexpedient to legislate upon any other matters than those which would seem for the immediate safety and protection of the public."

On motion of Mr. Burnett,

The house proceeded to the

ORDERS OF THE DAY.

Mr. Lovejoy gave notice that, on to-morrow, he would ask leave to introduce a bill for the protection of debtors; also,

An act to amend an act, organizing counties, passed last session.

Mr. Gilmore gave notice that, on to-morrow, he would ask leave to introduce a bill.

Mr. Burnett introduced a bill, in relation to Probate business; also,

An act amendatory of an act concerning negroes, and mulattoes, passed last session; also,

An act regulating the pay of jurors; also,

An act, in regard to infants;

An act to erect a jail;

An act legalizing the acts of D. Lennox;

An act appointing a circuit attorney;

An act calling a convention;

An act in relation to Indians;

Which were severally read a first time, and,

On motion,

Were (with the exception of the act in relation to Indians, and the act concerning a jail) read a second time, and referred to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. Gilmore in the chair.

On motion,

All bills were ordered to be read and adopted by sections.

On motion of Mr. Lovejoy,

The committee rose, and reported progress.

The treasurer, agreeably to notice, made the following

REPORT.

Received of collector, in taxes	$313 31
for licences, for two ferries	40 00
one fine	5 00
Total	$358 31

Expended, for stationery	$20 38
Mr. Hathaway's house	15 00
Judge Babcock's salary	60 00
services of secretary in house	20 00
Total	$115 38

Balance remaining in treasury	$242 93

Which report, on being read,

Was received, and laid on the table.

On motion of Mr. Lovejoy,

The house adjourned to 6 o'clock.

EVENING SESSION.

The house met pursuant to adjournment.

Mr. Gilmore gave notice that, on to-morrow, he would ask leave to introduce several bills.

Mr. Burnett gave notice that, on to-morrow, he would ask leave to introduce a bill, in behalf of J. L. Meek.

On motion,

The house went into committee of the whole.

On motion of Mr. Lovejoy,

The committee rose and reported progress.

Mr. Burnett, from select committee, to whom was referred the petition of 175 persons, for authority to construct such works as would ensuse a water communication from Tuality to Willamette river, made report;

Which was received, and the bill read a first time.

On motion of Mr. Burnett,

The rules were suspended, and

Following bills were read a third time, and passed:—

An act, authorizing the judge and clerk to grant letters testamentary, and of administration, during vacation.

An act for the appointment of circuit attorney.

An act, amendatory of an act on the executive power, the judiciary, &c.

An act regulating the practice of law, in regard to infants.

An act to legalize the acts of Dr. Lennox.

On motion,

The house adjourned to 9 o'clock, to-morrow.

THURSDAY, Dec. 19, 1844.

The house met pursuant to adjournment.

Mr. Lovejoy presented a petition from L. H. Judson, and W. H. Willson, for a charter to construct a canal in Champoeg county.

Referred to a select committee, consisting of Messrs. Newell, Hill, and Gilmore.

Mr. Lovejoy presented a petition for a route to the Island mills, at the Willamette Falls.

Referred to a select committee, consisting of Messrs. Hill, Burnett, and Gilmore.

Mr. Lovejoy presented a petition from John M'Loughlin, for a ferry at the Willamette Falls.

Referred to committee on roads.

Mr. Hill and Mr. Newell were appointed to fill the vacancy occasioned by the absence of two members of the committee on roads.

Mr. Burnett presented a petition, signed by Robert Moore, John Campbell, V. W. Dawson, and H. Perrin, remonstrating against the petition of 175 persons, praying for a water communication, &c.,

Which remonstrancy was referred to a select committee, consisting of Messrs. Burnett, Hill, and Newell.

Mr. Burnett presented a petition in behalf of J. L. Meek, sheriff of Oregon.

Mr. Gilmore introduced a bill, to authorize the taking of the census,

Which was read a first time; also,

A bill, in relation to road viewers,

Read a first time; also,

A bill, allowing pay to R. Newell, assessor,

Read a first time; also,

A bill, allowing the fees of J. E. Long, clerk,

Read a first time; also,

A bill, allowing the fees of J. L. Meek, sheriff,

Read a first time.

Mr. Lovejoy presented a bill, in relation to the boundaries of Oregon.

Read a first time.

ORDERS OF THE DAY.

The bill, for erection of a jail,

Was read a second time, and referred to committee of the whole.

The bill, in relation to slaves,

Was read a third time, and passed.

On motion,

The rule of the house, requiring bills to be engrossed, was suspended.

The bill, relating to Indians,

Was read a second time, and referred to committee of the whole.

The bill to provide for holding a convention,

Was read a third time, and was lost.

The bill, appointing Jesse Applegate engineer,

Was read a second time, and referred to committee of the whole.

On motion,

The house adjourned till 6 o'clock.

EVENING SESSION.

The house met pursuant to adjournment,

There being no quorum present, the house adjourned for ten minutes.

The house met pursuant to adjournment,

Mr. Lovejoy, from special committee, reported a bill for the incorporation of Oregon City,

Which was read a first time.

Mr. Hill, reported a bill, authorising a road from Oregon City to the Island mills.

Read a first time.

Mr. Gilmore gave notice that, on to-morrow, he would introduce an appropriation bill.

Mr. Hill gave notice that, on to-morrow, he would introduce a bill on apportionment.

On motion,

The house went into committee of the whole,

Mr. Lovejoy in the chair.

On motion, of Mr. Burnett,

The committee rose, and reported progress.

Mr. Burnett gave notice that, on to-morrow, he would introduce a bill in behalf of James Connor.

On motion,

The house adjourned to 9 o'clock to-morrow.

FRIDAY, DEC. 20, 1844,

The house met pursuant to adjournment.

Mr. Burnett presented a petition in behalf of James Connor.

Laid on the table:

Mr. Newell, from the select committee, to whom was referred the petition of L. H. Judson and W. H. Willson, for a charter, &c., reported a bill,

Which was read a first time.

Mr. Hill introduced a bill to amend the apportionment act, passed last session,

Which was read a first time.

Mr. Gilmore introduced an appropriation act,

Which was read a first time.

On motion of Mr. Burnett,

The house proceeded to the

ORDERS OF THE DAY.

The bill to provide for taking the census,

Was read a second time, and referred to committee of the whole.

The bill to relieve J. L. Meek,

Was read a second time, and referred to committee of the whole.

The bill in relation to road viewers,

Was read a second time, and referred to committee of the whole.

The bills allowing pay to Robert Moore, J. E. Long and J. L. Meek,

Were severally read a second time, and referred to committee of the whole.

The bill defining the boundaries of Oregon,

Was read a second time, and referred to committee of the whole.

The bill in relation to debtors,

Was read a second time, and referred to committee of the whole.

The bill to open a road from Oregon City to the Island mills,

Was read a second time, and referred to committee of the whole.

The bill to incorporate Oregon City,

Was read a second time, and referred to committee of the whole.

The bill in relation to Indians,

Was recommitted to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. Newell in the chair.

On motion,

The committee rose and reported progress.

On motion of Mr. Lovejoy,

A committee was appointed to select a lot on which to build a jail, consisting of Messrs. Lovejoy, Newell, and Gilmore. Committee was instructed to report this day.

On motion,

The house adjourned till 6 o'clock, P. M.

EVENING SESSION.

The House met at six o'clock.

Mr. Lovejoy gave notice that on to-morrow, he would ask leave to introduce a bill to provide for taking a vote of the people of Oregon, concerning a convention, &c.

Mr. Lovejoy, from select committee, reported that the committee appointed for that purpose, had selected a lot on which to build a jail, and also reported a communication from John McLoughlin, donating said lot to Oregon, for the aforesaid purpose.

Which report was received.

On motion of Mr. Lovejoy,

The house went into committee of the whole,

Mr. Gilmore in the chair.

On motion,

The committee rose, and reported progress.

On motion,

The house adjourned to 9 o'clock, to-morrow.

SATURDAY, Dec. 21, 1844.

The house met pursuant to adjournment.

And there being no quorum present, adjourned ten minutes.

The House met again, and

Mr. Lovejoy presented a petition from John McLoughlin, remonstrating against a petition for a road from Oregon City to the Island mills,

Which petition was referred to special committee appointed on said road.

ORDERS OF THE DAY.

The bill to authorise the construction of a canal in Champoeg county,

Was read a second time, and referred to committee of the whole.

The apportionment bill,

Was read a second time, and referred to committee of the whole.

The bill for the relief of James Connor,

Was read a second time, and referred to committee of the whole.

The appropriation bill,

Was read a second time, and referred to committee of the whole.

On motion of Mr. Lovejoy,

The house went into committee of the whole,

Mr. Burnett in the chair,

And after some time spent therein,

The committee rose, and reported the bill to erect a jail, had been under consideration, when,

On motion,

The House adjourned to 9 o'clock on Monday.

MONDAY, Dec. 23, 1844.

The house met pursuant to adjournment.

Mr. Lovejoy presented a petition from J. R. Robb, remonstrating against the erection of a jail upon the lot selected by the committee of this House,

Which was laid upon the table.

On motion,

The House proceeded *to the*

ORDERS OF THE DAY.

The bill for the erection of a jail,
Was referred to committee of the whole.
The bill, in relation to Indians,
Was read a third time, and passed.
The bill for the relief of J. L. Meek,
Was read a third time, and passed.
The bill on the census,
Was recommitted to committee of the whole.
A bill, in relation to road viewers,
Was read a third time, and passed.
The bill defining the boundaries of Oregon,
Was recommitted to committee of the whole, with instructions to amend.
The bill concerning debtors,
Was read third time, and upon its passage,
Mr. Lovejoy demanded the yeas and nays, which were as follows:

Yeas—Mr. Lovejoy.—1.

Nays — Messrs. Burnett, Gilmore, Newell, Hill, and Mr. Speaker.—5.

So, the bill was lost.
The bill for the relief of James Conner,
Which was read a third time, and passed.
On motion of Mr. Lovejoy,
The House went into committee of the whole,
Mr. Newell in the chair.
After considering several bills the committee rose and reported progress.
Mr. Lovejoy was appointed chairman of the committee on roads.
On motion,
The house adjourned to 6 o'clock.

EVENING SESSION.

The house met pursuant to adjournment.
Mr. Lovejoy introduced a bill to provide for taking a vote in relation to holding a convention,
Read a first time.

* * *

Mr. Gilmore, from committee of ways and means, reported unfavorable on the petition of J. L. Meek, for license to act as auctioneer,

Which report was received.

The bill for the relief of James Connor,

Was read a third time, and passed.

The bill on apportionment,

Was read a third time; when

Mr. Speaker demanded the yeas and nays, which were as follows:

Yeas—Messrs. Hill and Speaker—2.

Nays—Messrs. Burnett, Gilmore, Newell and Lovejoy—4.

So the bill was lost.

The bill, appointing Jesse Applegate engineer,

Was read a third time, and passed.

On motion,

The House went into committee of the whole.

Mr. Gilmore in the chair.

After several bills were considered, the committee rose and reported progress.

On motion,

The house adjourned to 9 o'clock to-morrow.

TUESDAY, DEC. 24, 1844.

The house met pursuant to adjournment.

Mr. Lovejoy presented a petition in relation to land claims,

Referred to select committee, consisting of Messrs. Lovejoy, Gilmore and Hill.

Mr. Lovejoy, from committee on roads, to which was referred the petition of W. H. Gray and others; also,

A petition from John McLoughlin to establish a ferry; also,

The petition of Hugh Burns for an increase of his rates of ferriage, reported unfavorably.

Which report was rejected,

And the committee instructed to report a bill to increase the ferriage fees of Hugh Burns.

On motion,

The House proceeded to the

ORDERS OF THE DAY.

The bill, for the erection of a jail,

Was read a third time, and passed.

The bill to incorporate Oregon City,

Was read a third time, and passed; also,

The bill defining the boundaries of Oregon; also,

The bill for opening a road from Oregon City to the Island mills; also,

The appropriation bill,

Were severally read a third time, and passed.

The bill to call a convention,

Was read a second time, and referred to committee of the whole.

On motion of Mr. Burnett,

The House adjourned to 2 o'clock, P. M.

AFTERNOON SESSION.

The house met pursuant to adjournment;

Mr. Lovejoy, from committee to whom was referred the petition of W. H. Grey and others, for an amendment to the law on land claims, reported a bill amendatory to said law.

On motion,

The rules of the House were suspended for this day.

Mr. Burnett introduced a bill on land claims,

Which was read a first time; and,

On motion,

Was read a second time, and referred to committee of the whole.

Mr. Lovejoy introduced a bill on ferries,

Which was read a first time; and,

On motion,

Was read a second time, and rrferred to committee of the whole.

Mr. Burnett presented a petition from Robert Moore, for an increase of ferriage toll,

Referred to committee of the whole.

On motion,

The House went into committee of the whole,

Mr. Newell in the chair,

After considering several bills, the committee rose and reported progress.

On motion of Mr. Newell,

The House adjourned to 6 o'clock, P. M.

EVENING SESSION.

House met at 6 o'clock.

The bill granting a charter to W. H. Willson and J. H. Judson,

Was read a third time, and passed.

The bill in relation to a convention,

Was read a third time, and passed.

An act amending several acts on land claims,

Was read a third time, and passed.

The bill granting an increase of ferriage toll,

Was read a third time, and passed.

On motion,

The house went into committee of the whole.

Mr. Hill in the chair,

And after some time spent therein, the committee rose and reported progress.

On motion,

The bill providing for pay of jurors was taken up by sections,

For a third reading and final passage,

And on the final passage of the first section, reducing the pay of jurors to fifty cents per day,

The yeas and nays were demanded, which were as follows:—

Yeas—Messrs. Burnett and Gilmore—2.

Nays—Messrs. Hill, Lovejoy, Newell, and Mr. Speaker—4.

So the first section did not pass.

Upon the final passage of the remaining parts of said bill,

The yeas and nays were demanded by Mr. Burnett; when the vote stood:—

Yeas—Messrs. Burnett, Gilmore, Hill, and Mr. Speaker—4.

Nays—Messrs. Lovejoy and Newell—2.

So the bill passed.

On motion of Mr. Burnett,

The House adjourned, *sine die.*

(Signed) M. M. McCARVER, *Speaker.*

Attest.

J. E. LONG, *Clerk.*

JOURNAL

Of the Legislative Committee, June Session, 1845.

Begun and held at Oregon City, on Tuesday the 24th June, A. D. 1845.

On motion of Mr. Garrison,
Mr. Newell was called to the chair.
On motion of Mr. Smith,
The House adjourned to meet at the residence of J. E. Long, for the purpose of organizing the House.

Accordingly the members met, and the roll being called the following members appeared, to-wit:

From the county of Clackamas—H. A. G. Lee, Wm. H. Gray, H. Straight;
From the county of Champoeg—Robt. Newell, J. M. Garrison, M. G. Foisy, Barton Lee;
From the county of Yamhill—Jesse Applegate;
From the county of Tuality—M. M. McCarver, J. W. Smith, David Hill;
From the county of Clatsop—Jno. McClure.

On motion of Mr. Applegate,
The following oath was administered to the members, to-wit:—

"I do solemnly swear that I will support the Organic Laws of the Provisional Government of Oregon, so far as the said Organic Laws are consistent with my duties as a citizen of the United States, or a subject of Great Britain, and faithfully demean myself in office, so help me God."

A quorum being present the House proceeded to the election of a Speaker for the present session of the Legislative committee, when M. M. McCarver was duly elected, and conducted to the chair.

On motion,

A committee of three was appointed, consisting of Messrs. Lee, Smith and Gray, to wait upon the executive committee and inform them, that this house is now organized, and ready to receive any communication they may have to present.

On motion,

Messrs. Applegate, Hill and Newell, were appointed a committee to draft rules for the government of this House.

On motion,

The House adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Hill from committee to draft rules for the House, made a report, which was received, and

On motion,

The first rule was not adopted.

On motion,

The second rule was amended so as to read after the words "Indian Affairs," "And such other standing committees as the house may, from time to time adopt."

On motion,

The third rule was amended so as to read "A. C. R. Shaw," instead of "the constable of Clackamas county."

The whole of the rules were then adopted.

Mr. Lee, from the committee to wait upon executive committee, informed the House that the Executive were present, and had a communication to make to the House.

The message* was then delivered by P. G. Stewart one of the executive committee, to the clerk, who read the same as follows, to-wit:

On motion of Mr. Hill,

The message was ordered to lie on the table till to-morrow.

On motion,

The House took a recess of one hour.

When the House resumed its session, the Speaker announced the following standing committees, to-wit:

On elections—J. M. Smith, J. M. Garrison, J. M'Clure;

On claims—H. A. G. Lee, B. Lee, H. Straight;

On judiciary—W. H. Gray, R. Newell, D. Hill;

On private land claims—R. Newell, M. G. Foisy, A. Hendrick;

On military affairs—J. W. Smith, J. McClure, M. G. Foisy;

On roads and highways—J. Applegate, D. Hill, J. M. Garrison;

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*The message referred to here could not be found in the Archives.—Com.

On Indian affairs—J. Applegate, W. H. Gray, H. A. G. Lee;

On ways and means—R. Newell, J. Applegate, J. McClure.

A communication was received from W. H. Gray, secretary of the Multnomah circulating library, tendering the use of the Library to the Legislative committee,

Which was received, and the thanks of the house voted to Mr. Gray.

On motion of Mr. Applegate,

The rules adopted for the house were reconsidered, and the last article stricken out.

On motion of Mr. Gray,

Resolved, That the morning session of this House be commenced with prayer.

On motion of Mr. Applegate,

Mr. Shaw was appointed to perform the duties of Sergeant-at-arms and door-keeper.

On motion of Mr. Gray,

Resolved, That a committee of five be appointed to draft a memorial and petition to be forwarded to the congress of the United States, setting forth the condition, situation, relation and wants of this country.

W. H. Gray, J. Applegate, H. A. G. Lee, John McClure and J. Hill, were appointed said committee.

Abijah Hendricks, from Yamhill county, appeared, was qualified, and took his seat.

Mr. Applegate gave notice that on to-morrow, he would introduce a bill to provide for branding and butchering animals, running at large.

On motion of Mr. Gray,

The House proceeded to ballot for a person to officiate as chaplain;

When the Rev. H. Clark was chosen.

On motion of Mr. Gray,

The vote was reconsidered,

And the Rev. Mr. Demarse and Rev. Mr. Hill, were chosen to officiate alternately.

Messrs. Gray, Lee and Smith, were appointed a committee to wait upon and inform the Revd. Gentlemen of their appointment.

On motion,

The House adjourned to 9 o'clock, to-morrow.

WEDNESDAY, JUNE 25, 1844.

The House met pursuant to adjournment,

And the session was opened by prayer by the Rev. Mr. Clark.

Petitions were called, when

Mr. Gray presented one from J. E. Long, relative to a canal, &c.

Which was referred to committee on roads and highways; also,

A petition from Martha J. McRice, for a divorce,

Which was rejected.

Mr. Straight presented a petition from the trustees of Oregon City for an amendment of the incorporation act,

Which was referred to a select committee, consisting of Messrs. Straight, Garrison and H. A. G. Lee; also;

A petition from H. Burns for a ferry licence,

Referred to committee on roads; also,

A petition from Philip Foster, for a redress of grievances, in relation to the election of F. Ermatinger to the office of treasurer of Oregon,

Referred to committee on elections.

Mr. Smith presented a petition from numerous citizens of Tuality county for a ferry license for R. Moore,

Referred to committee on roads.

Mr. Hill presented a petition from G. W. Rogers, for a divorce,

Referred to a select committee, consisting of Messrs. Hill, Smith and B. Lee.

Reports from standing committees were then called, but none presented.

Resolutions were then called for.

On motion of Mr. Gray,

Resolved, That the Circuit Judge, District Attorney and Territorial Recorder, be required to make written reports to this House, as soon as possible, for the information of the same.

On motion of Mr. Hill,

The vote on the petition of Martha J. Rice, was reconsiderd, and the House then received the petition, and

On motion of Mr. Gray,

Resolved, That said petition be referred to a select committee, and that said committee have power to summon Steven M. Rice and Martha J. Rice, the parties, to appear before them forthwith, together with such witnesses as may be deemed necessary, and that said committee be instructed to report a bill to this House.

Messrs. Lee, Garrison and Gray, were appointed said committee.

On motion of Mr. Hill,

Resolved, That the committee on judiciary, be instructed to report some provision for an appeal from the circuit court.

On motion,

A committee consisting of Messrs. Gray, McClure and H. Lee, was appointed to procure a larger house for the accommodation of this legislature, and report this day.

The House proceeded to the

ORDERS OF THE DAY.

The message of the Executive being first in order was taken up, and;

On motion,

So much of it as relates to revenue and retrenchment,

Was referred to committee of ways and means;

So much of it as relates to the judiciary,

Was referred to the committee on judiciary;

So much of it as relates to the militia,

Was referred to committee of military affairs;

So much of it as relates to claims of land,

Was referred to committee on private land claims;

So much of it as relates to apportionment of Representatives,

Was referred to a select committee, consisting of one member from each county,

Messrs. Hill, Garrison, Straight, Hendricks and McClure, were appointed said committee;

So much of it as relates to the building of a jail,

Was referred to a select committee of three, consisting of Messrs. Hill, Garrison and Smith;

So much of it as relates to Indians,

Was referred to committee on Indian affairs;

So much of it as relates to revision of organic and other laws,

Was referred to select committee of five, consisting of Messrs. Lee, Newell, Applegate, Smith and McClure;

Mr. Applegate introduced a bill in relation to cattle,

Read a first time.

On motion of Mr. Gray,

The treasurer was required to make his report to this house.

The house adjourned to 3 o'clock.

EVENING SESSION.

The house met pursuant to adjournment.

Mr. Straight presented the Treasurer's report,

Which was received, and

On motion,

Referred to committee of ways and means.

On motion of Mr. Garrison,

The rules of the house were suspended for the purpose of allowing special committees to report.

Mr. H. Lee, to whom the subject had been referred, reported an act to amend the "Oregon City incorporation act,"

Read a first time.

Mr. Smith presented a communication from J. W. Nesmith to the House, and

On motion,

Mr. Nesmith was allowed to make some explanations to the House in regard to said communication.

On motion,

Mr. Nesmith was excused from making any report.

Mr. H. Lee presented a report from the Clerk and Recorder,

Which was referred to standing committee.

On motion,

The house adjourned to 9 o'clock to-morrow, to meet at the residence of Mr. W. McGruder, the place selected and reported by the committee appointed for that purpose.

THURSDAY, JUNE 26, 1844.

The house met pursuant to adjournment,

Petitions were called for, when

Mr. Lee presented a petition for the incorporation of the Multnomah circulating library,

Referred to select committee, consisting of Messrs. Lee, Applegate and Gray.

Mr. Straight presented a petition for the repeal of the act passed last session, in regard to the estate of Ewing Young,

Referred to a committee of five, Messrs. Straight, Newell, Garrison, Foisy and Gray.

Reports from standing committees were next called for, when

Mr. Newell reported a bill on land claims,

Read a first time, and laid on the table.

Mr. Smith, from committee on elections, reported that they saw no reason for contesting the election of F. Ermatinger, to the office of treasurer,

Report was received and referred to committee of the whole house.

Resolutions were called for, when

On motion of Mr. H. Lee,

Resolved, That the committee on revision be empowered to call, qualify and examine witnesses, touching the distinction to be made on record between the organic law and the "statutory provisions."

ORDERS OF THE DAY.

The bill concerning cattle,

Was read a second time by title, and referred to committee of the whole, for to-morrow.

The bill to amend the incorporation act of Oregon City,

Was read a second time, and ordered to be engrossed for third reading.

On motion,

The House went into committee of the whole, on the contested election of F. Ermatinger.

Mr. Newell in the chair.

After some time spent in discussion,

The committee rose and reported progress.

On motion,

The House adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Gray,

Resolved, That the committee of the whole in the case of Philip Foster, have power to send for and require the personal attendance of witnesses, papers, or other testimony that may be required in the case referred to; and that the committee have power to qualify those persons whose attendance is required.

On motion,

The house went into committee of the whole.

Mr. Gray in the chair.

On motion,

The committee rose and reported as follows:

Resolved, That the chairman be instructed to report to the House, that the committee cannot find sufficient cause to contest the election of F. Ermatinger as Treasurer of Oregon,

And on the question shall the report be received,

The yeas and nays were demanded, they were as follows:

Yeas—Messrs. Applegate, Foisy, Gray, Garrison, Hendricks, H. Lee, B. Lee, McClure, Newell, Smith and Mr. Speaker—11.

Nays—Messrs. Hill and Straight—2.

So the report was received.

On motion,

The house adjourned to 9 o'clock, to-morrow.

FRIDAY, JUNE 27, 1844.

The house met pursuant to adjournment.

Petitions were called for, when

Mr. H. Lee presented one from J. W. Nesmith, Judge of Oregon.

Received and referred to committee on claims.

Mr. Garrison presented a petition from W. Woodcock and others, for a road from Oregon City to the Oregon Institute, by way of the Mollala settlement.

Received and referred to committee on roads.

Mr. Hendricks presented a petition from J. Richardson and others, for a road from James O'Neil's mills to the Willamette river,

Referred to committee on roads.

Reports from select committees being called for,

Mr. H. Lee, from the committee to which was referred the petition for the incorporation of the Multnomah circulating library, reported a bill,

Which was read a first time,

Mr. Gray, from the committee on memorial to Congress, reported,

Which report was received,

And the rules being suspended,

Was referred to committee of the whole.

Mr. Hill, from committee to whom was referred the petition of G. W. Rogers, made a report,

Which was received, and read a first time.

Mr. H. Lee made two reports from J. E. Long,

Which were referred to committee on claims,

Mr. Smith presented a petition from J. L. Meek,

Which was referred to committee on claims.

On motion,

The House proceeded to the

ORDERS OF THE DAY.

The act to amend the Oregon City incorporation act,

Was read a third time, and passed.

On motion of Mr. Applegate,

Resolved, That this government has no power to annul a contract entered into, either in the United States or Great Britain,

Referred to committee of the whole for to-morrow.

The House went into committee of the whole,

Mr. Newell in the chair.

The committee rose, reported progress and asked leave to sit again.

On motion,

The House adjourned to 2 o'clock, P. M.

AFTERNOON SESSION.

The house went into committee of the whole,

Mr. Newell in the chair.

The committee again rose, and the chairman reported that the committee had had under consideration several bills, also, a memorial to Congress, and that the following resolution had been passed; to-wit;

Resolved, That the chairman be instructed to report the memorial to Congress, to the House for its adoption, with a request that a committee of three be appointed to wait upon the Executive committee for their signatures, together with that of the circuit judge; and that the said memorial be signed by the members of this Legislature, attested by the clerk; and that measures be taken to forward, at the earliest opportunity by land, at least one copy of the memorial, to the Senate and House of Representatives of the United States, and that a duplicate be sent by water.

Messrs. Hill, Gray and Newell, were appointed committee to wait upon the Executive as per resolution.

The report was received by the House, and the memorial ordered to be forwarded to Congress.

On motion,

Messrs. Applegate, B. Lee and H. Lee, were appointed a committee to forward the memorial, and report to the House the means of conveyance they could procure.

The bill in relation to branding cattle,

Was read a third time, and passed.

Mr. H. Lee gave notice that on to-morrow he would introduce a bill to authorize and require the Clerk and Recorder to furnish to Justices of the Peace, such copies of the laws of Oregon as may be required in the discharge of their official duties.

Mr. Newell gave notice that on to-morrow he would introduce a bill to provide that in future that the Legislative committee meet at Champoeg.

On motion,

The House adjourned to the usual hour on to-morrow.

SATURDAY, June 28, 1844.

The house met pursuant to adjournment.

Mr. Gray presented a petition from John McLoughlin for a ferry across the Willamette river,

Referred to committee on roads.

Mr. Applegate, from committee to provide for sending memorial to congress, reported,

Which report was read, received and adopted.

Mr. Gray from select committee, presented a communication from Rev. Mr. Demarse,

Which was read and received.

Resolutions being in order,

On motion of Mr. Garrison,

Resolved, That whereas, the people of Oregon assembled en-masse, did on the 2d day of May, A. D., 1843, resolve, that no tax should be levied upon this people, confirming the same by the adoption of the report of the committee of ways and means, adopted by the Legislative committee, and referred to the people en-masse, and by them enacted, on the 5th day of July, A. D., 1843. Therefore,

Resolved, That this house has no right to levy a tax of any kind, without the consent of the free voters of this Territory previously obtained.

Resolved, That all acts and parts of acts on that subject, passed by the Legislative committee, were contrary to the express resolution and action of the people.

Which resolutions were received, and referred to committee of the whole.

On motion of Mr. Lee, it was

Resolved, That the clerk be required to furnish Mr. D. E. White a copy of the memorial to congress, as soon as it shall be properly signed as per resolution of yesterday.

ORDERS OF THE DAY.

The act to incorporate the Multnomah circulating library,

Was read a second time, and referred to committee of the whole.

The bill granting a divorce to G. W. Rogers,

Was read a second time, and recommitted to special committee.

Mr. Newell introduced a bill to provide for the annual sittings of the Legislature,

Read a first time.

On motion,

The house adjourned till 3 o'clock, P. M.

AFTERNOON SESSION.

House met at 3 o'clock, and the rules being suspended,

Mr. Smith presented a petition from F. Hathaway, for a divorce from his wife, Which was referred to select committee consisting of Messrs. Smith, Hill and Hendricks.

Mr. H. Lee presented a petition from P. H. Hatch and others, for a bridge across Clackamas river;

Referred to committee on roads, &c.

Mr. Gray, from committee to confer with executive committee and circuit judge, concerning memorial to Congress, reported that they were present and ready to sign said memorial.

The memorial was then signed by Osborn Russell, P. G. Stewart, of the executive committee, J. W. Nesmith, circuit judge, Mr. Speaker, and all the members of the legislative committee, attested by the clerk, and a copy delivered to D. E. White, to be conveyed to the Congress of the United States.

On motion,

The House adjourned to Monday morning, 9 o'clock.

MONDAY, JUNE 30, 1844.

House met pursuant to adjournment.

Mr. Straight presented a petition from Chas. Bennett and others, praying a removal of obstructions in the public highway from Oregon City to the Island Mills;

Referred to committee on roads.

Mr. Newell presented a petition for a charter for a railway around the Willamette Falls;

Referred to a select committee, consisting of Messrs. Newell, Applegate, and Garrison.

Mr. Smith presented a petition from Robert Moore, containing remonstrances, prayers, &c., against the petition of J. E. Long;

Referred to committee on roads, &c.

Reports from standing committees were called for,

When Mr. Lee, from committee on claims, made a report,

Which was received, and referred to committee of the whole.

Mr. Gray, from judiciary committee, reported a bill relating to appeals from circuit courts,

Which was read a first time.

Mr. Applegate, from committee on roads, reported a bill, authorizing J. E. Long, and others, to construct a canal, &c.; (also a remonstrance to the same,)

Which was read a first time.

Resolutions were called for, when,

On motion of Mr. Garrison, it was

Resolved—That this government can recognize the right of one person to the services of another, only upon *bona fide* contract, made and entered into, and equally binding on both parties;

Referred to committee of the whole.

Mr. Garrison gave notice that, on to-morrow, he would introduce a bill to repeal the several acts relating to slavery in Oregon.

On motion,

The House went into committee of the whole,

Mr. Newell in the chair.

After sometime spent therein,

The committee rose, reported progress, and asked leave to sit again.

On motion,

The House adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Gray presented a communication from Rev. H. Clark, resigning his appointment as chaplain of the house.

On motion,

Messrs. Garrison, Straight, and Gray, were appointed a committee to provide another chaplain.

On motion,

The House went into committee of the whole,

Mr. Newell in the chair.

On the rising of the committee,

The Chairman reported that the committee had had under consideration, the report of the committee on revision; and that the committee would advise the house to instruct the committee on revision, to report such amendments to the organic law as they may deem necessary.

The instructions were given.

On motion,

The chairmen of the several standing committees were excused from reporting, until the committee on revision had time to report.

On motion of B. Lee,

The House adjourned to the usual hour, to-morrow.

TUESDAY, JULY 1, 1845.

The committee, to whom was referred the petition of F. Hathaway, reported favorably, by bill,

Which was read a first time.

Mr. Garrison, from committee to procure a chaplain, reported that no person could be found to perform the duties of that office.

The report was received, and committee discharged.

Mr. Garrison introduced a bill to repeal the several acts in regard to negroes in Oregon.

On motion of H. Lee,

The committee on revision was authorized to employ a clerk.

ORDERS OF THE DAY.

The bill, granting a divorce to G. W. Rogers,

Was read a second time, and referred to committee of the whole.

The bill to fix the place of holding the future sessions of the Legislature,

Was read, and referred to committee of the whole, for to-morrow.

The bill, providing for appeals from the circuit court,

Was read a second time, and postponed until the committee on revision make report.

The bill to authorize Lockport canal committee to construct a canal, &c.,

Was read a second time, and, with the remonstrance to the same, referred to committee of the whole, to be considered after the report of the committee on revision.

On motion,

The speaker was authorized to call on some person to open the sessions of the house, every morning, with prayer.

On motion,

The house went into committee of the whole,

The committee rose and reported progress.

On motion,

The house adjourned to the usual hour, to-morrow.

WEDNESDAY, July 2, 1845.

The House met pursuant to adjournment,

Mr. H. Lee reported from the committee on revision.

Received, and referred to committee of the whole.

The committee, to whom the petition of Martha J. Rice was referred, made report by bill.

Read a first time.

On motion,

The rules were suspended;

The bill was read a second time, and referred to committee of the whole.

Mr. Hill, from committee on apportionment, reported bill.

Read a first time.

ORDERS OF THE DAY.

The bill, granting divorce to Felix Hathaway,

Was read a second time, and referred to committee of the whole.

The house went into committee of the whole,

Mr. Garrison in the chair.

When the committee rose, the chairman reported that the committee had had under consideration the original organic laws, and the committee recommended their adoption.

The report from committee of the whole was received, and, on the question, shall the organic laws be adopted by the house,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Foisy, Gray, Garrison, Hendricks, Hill, H. Lee, B. Lee, McClure, Newell, Smith, Straight, and Mr. Speaker—13.

Nays—None.

So the original laws were adopted by the house, for the purpose of being submitted to the people.

The house adjourned to the usual hour to-morrow.

THURSDAY, July 3, 1844.

The house met pursuant to adjournment,

Mr. Hill presented a petition from A. Pomeroy, and others, praying that the navigation of the Tuality river might be protected.

Referred to committee on roads,

Also a petition from A. R. Stoughton, and others, concerning the location of the county seat of Tuality county.

Referred to select committee, consisting of Messrs. Hill, Smith, and Hendricks.

On motion of Mr. Gray,

Resolved—That a committee of one from each county be appointed to report a bill for the protection of this colony; the building of block-houses, magazines, and the revision of the military laws; and make such suggestions to this house as they deem important, or necessary for the peace and safety of the colony.

Messrs. Gray, Applegate, Smith, B. Lee, and McClure, were appointed said committee.

On motion of Mr. Newell,

Resolved,—That the house does not require the further services of the serjeant-at-arms, and he is hereby discharged from further duties in this house.

The Speaker was appointed to notify him of this resolution, and the clerk to give him a certificate of his services.

On motion of Mr. Applegate,

Resolved,—That the sergeant-at-arms receive the same pay, per day, as members of the house.

ORDERS OF THE DAY.

The act, on apportionment,

Was read a second time, and referred to committee of the whole.

The House went into committee of the whole,

Mr. Straight in the chair.

The committee rose, reported progress and asked leave to sit again.

The House adjourned to 2 o'clock, P. M.

AFTERNOON SESSION.

The House went into committee of the whole,

Mr. Straight in the chair.

When the committee rose,

The chairman reported that the committee had had under consideration:—

The bill to divorce M. J. Rice;

The act to repeal the several acts on slavery;

An act to fix the time and place of the sittings of the legislature;

An act to divorce F. Hathaway; also,

The report of the committee on revision,

Which had been adopted.

Report was received; and

The bill to divorce F. Hathaway,

Was read a third time, and passed; also,

The bill to divorce M. J. Rice; also,

The bill concerning acts on slavery.

The bill concerning the sittings of the legislature,

Was read a third time, and on its passage,

The yeas and nays were demanded, they were as follows:—

Yeas—Messrs. Applegate, Foisy, Garrison, Hendricks, B. Lee, McClure, and Newell—7.

Nays—Messrs. Gray, Hill, A. G. H. Lee, McCarver, Smith, and Straight—6.

So the bill passed.

The report of the revision committee was recommitted, for the purpose of being copied.

On motion the house adjourned to 9 o'clock to-morrow.

FRIDAY, JULY 4, 1845.

Mr. H. Lee, from commtttee on revision, reported back that part of revised law which was recommitted yesterday;

And also a further report of revision,

Which reports were referred to committee of the whole.

Mr. Hill, from committee to whom was referred the location Tuality county seat, reported a bill,

Which was read a first time, and referred to committee of the whole.

On motion,

The bill granting a divorce to G. W. Rogers,

Was recommitted to committee of the whole, with instructions to report favorably.

The house went into committee of the whole,

Mr. Smith in the chair.

When the committee rose,

The Chairman reported that they had had under consideration:—

The bill granting a divorce to G. W. Rogers;

And that said bill had been laid upon the table;

And, also, that they had further considered the report of the revising committee; and that they were instructed to request the house to recommit the report, with instructions to report to-morrow.

The instructions were given.

On motion,

The house adjourned to 8 o'clock, to-morrow.

SATURDAY, JULY 5, 1845.

The house met pursuant to adjournment.

Mr. Applegate, from committee on roads, reported a bill on ferries;

Which was read a first time,

And, the rules being suspended,

The bill was read a second time, and referred to committee of the whole.

Mr. Gray, from same committee, reported a bill;

Read first and second times, and referred to committee of the whole.

Mr. Gray, from judiciary, reported a bill;

Read a first time, and laid on the table.

Mr. Gray introduced a bill, in relation to government scrip;

Read first and second times, and referred to committee of the whole.

Mr. Applegate introduced a bill, providing for submitting the organic law to a vote of the people;

Read first and second times, and referred to committee of the whole.

Mr. H. Lee, from committee on claims, reported a bill;

Read first and second times, and referred to committee of the whole.

Mr. Newell, from committee on ways and means, reported a bill repealing part of a former act on ways and means;

Read first and second times, and referred to committee of the whole.

Mr. Gray, from committee of judiciary, reported a bill in relation to courts;

Read first and second times, and referred to committee of the whole.

Mr. H. Lee, from revising committee, made a final report;

Referred to committee of the whole.

On motion of Mr. Applegate,

Resolved—That when this house adjourn to-day, it adjourn to the first Tuesday in August next, and to meet at Oregon City.

The house went into committee of the whole,

Mr. Gray in the chair.

The committee rose, reported progress, and asked leave to sit again this afternoon.

Leave was granted.

On motion of Mr. Garrison,

Messrs. H. A. G. Lee, Gray, and Straight, were appointed to make a final settlement with P. Foster, treasurer of Oregon, immediately after the adjournment of the house.

The House adjourned to half-past one o'clock.

AFTERNOON SESSION.

On motion,

The house went into committee of the whole, Mr. Gray in the chair.

When the committee rose,

The chairman reported that the committee had had under consideration several bills, presented to the house this day; also,

The final report of the revising committee,

All of which had been adopted,

That several bills had been considered, and not adopted.

Several bills had been laid on the table.

Report was received.

The bill to provide for submitting the organic law to the people;

Was read a third time, and passed.

Also, the bill in relation to government scrip;

Also, the repeal bill on ways and means;

Also, the bill on ferries;

Also, the bill for locating county seat of Tuality;

Also, the bill on appropriations:

The amended organic law was then read, and,

On motion,

It was

Resolved—That the laws be submitted to the people.

On motion of Mr. Applegate,

The clerk was authorized to draw on the treasury, out of the appropriation for contingent expenses of the house, to the amount of twenty-three dollars, to pay Mr. McGruder, for house rent, &c.; also, to pay to F. Prigg, for his services as clerk of the revising committee.

The House adjourned to 8 o'clock.

SECOND EVENING SESSION.

On motion of Mr. H. Lee,

Resolved—That the executive committee be required to appoint suitable persons to act as assessors, in place of those appointed last session, by the legislature, in the act authorizing a public road to the Island mills; said overseers to be subject to all the provisions of that act.

On motion of Mr. Gray,

Resolved—That a further sum of fifteen dollars be paid to Mr. McGruder; and that the clerk be authorized to pay the same, by draft on the treasury, out of appropriations for contingent expenses of the house.

Mr. Applegate moved, that the members receive $1 25 per day, for services.

Said motion was amended by striking out "$1 25," and inserting "$2 00," And then passed.

On motion of Mr. Applegate,

Resolved—That this government can recognize the right of one person to the services of another, only upon *bona fide* contract, made and entered into, and equally binding on both parties.

On this resolution the yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Gray, Smith, McCarver, Garrison, Hill, Newell, H. Lee, Hendricks, and Foisey—10.

Nays—Messrs. Straight, B. Lee, and McClure—3.

So the resolution was adopted.

On motion of Mr. Applegate,

The house adjourned to meet at Oregon City, on the first Tuesday in August, A.D. 1845.

(Signed) M. M. McCARVER, *Speaker*.
Attest.
J. E. LONG, *Clerk*.

JOURNAL OF THE HOUSE,

For the Session begun and held at Oregon City, on the 5th day of August, A.D. 1845, pursuant to adjournment, and the provisions of the Organic Law of Oregon.

The roll being called, there were

Present—Messrs. Applegate, Foisy, Garrison, H. A. G. Lee, B. Lee, Gray, Newell, Hill, Smith, McCarver, McClure, and Straight.

Absent—Mr. Hendricks.

On motion of Mr. Applegate,
The clerk was called upon to inform the house what was the result of the vote of the people, on the organic law.
The result was read, when it appeared that there was a majority of 203 in favor of the amended organic law.
The clerk, also, read the report upon the election for county seat for Tuality county, when it appeared there was a majority of all the votes given in favor of Columbia.
On motion of Mr. Applegate,
The house proceeded to organize under the amended organic law, when the members took the oath, and their seats.
On motion,
Mr. McCarver was appointed chairman, *pro. tem.*
On motion,
The house proceeded to choice of speaker, by ballot, which resulted as follows; to wit:—

For W. H. Gray	8
" H. A. G. Lee	2
" M. M. McCarver	1

So W. H. Gray was duly elected speaker of the house.
Mr. McCarver questioned the propriety of electing W. H. Gray speaker of the house, as he considered himself still the proper speaker.

Whereupon, it was,

On motion of Mr. Applegate,

Resolved—That Mr. McCarver be, and he is hereby, requested to resign his seat, as speaker.

On motion of H. Lee,

The House adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

On motion,

The vote electing W. H. Gray, was reconsidered.

On motion,

The vote requesting Mr. McCarver to resign, was reconsidered.

On motion,

A committee, consisting of Messrs. H. Lee, Newell, and Smith, was appointed to wait on the executive, and inform him that the house is now organized, and ready to receive any communication he may have to make.

The house proceeded to the election of clerk, by ballot, which resulted as follows:—

For J. E. Long, twelve votes;

So he was declared duly elected.

The house then proceeded to the election of engrossing clerk,

Which resulted in the choice of Fred. Prigg.

Mr. H. Lee reported that he had received a message from the executive,

Which was received by the house, and read, as follows:—*

On motion,

The message was laid on the table, till to-morrow.

On motion,

Messrs. Applegate, H. Lee, Newell, Hill, and McClure, were appointed a committee to revise and report the rules of the house, to-morrow morning.

On motion,

The house adjourned to 9 o'clock, to-morrow.

WEDNESDAY, AUGUST 6, 1845.

The house met pursuant to adjournment.

Mr. Applegate, from committee to revise rules, made report,

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* Not found in the Archives.—Com.

Which was received.

The Speaker announced the following committees; to wit:—

On ways and means—Messrs. B. Lee, Foisy, and H. A. G. Lee.

On claims—Messrs. Gray, B. Lee, and Newell.

On judiciary—Messrs. Applegate, Hill, and Smith.

On private land claims—Messrs. Hendrick, McClure, and Straight.

On military affairs—Messrs. Straight, Smith, and Garrison.

On roads, &c.—Messrs. H. Lee, Newell, and Hill.

On Indian affairs—Messrst Foisy, Straight, and Newell.

On revision—Messrs. Hill, Applegate, and Hendrick.

On districts—Messrs. McClure, Smith, and Foisy.

On education—Messrs. Gray, McClure, and Newell.

On apportionment—Messrs. Smith, H. Lee, B. Lee, Applegate, and McClure.

On organic law—Messrs. Garrison, McClure, Applegate, H. A. G. Lee, and Hill.

Mr. Gray inquired if, in the opinion of the speaker, the house was properly organized.

The chair decided in the affirmative.

Whereupon Mr. Gray appealed from the decision of the speaker to the house,

When the decision of the chair was reversed.

On motion of Mr. Gray,

Resolved—That the house now proceed to organize.

On motion of Mr. Straight,

Resolved—That Mr. McCarver be now removed from his office, as speaker of the house,

When Mr. Newell was,

On motion,

Appointed chairman.

Mr. Hendricks appeared, and took the oath of office, and took his seat.

On motion,

The house proceeded to elect a speaker, *pro. tem.*, by ballot,

Which resulted in the election of Mr. Newell,

On motion of Mr. Gray,

The engrossing clerk was required to perform the duties of messenger to the house.

On motion of Mr. H. Lee,

The election of government officers, to be elected by this house, was indefinitely postponed.

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

On motion of Mr. Garrison,

The report of the committee to revise rules,

Was adopted.

On motion of Mr. Applegate,

The following resolution was received, and referred to committee of the whole:—

Resolved—That the people of Oregon are not, in the opinion of this house, morally or legally bound by any acts of the officers, or agents of the people, not expressly authorized or sanctioned by the instrument, in virtue of which they had their official existence.

Resolved further—That this house cannot assume, in behalf of the people, the payment of any debt, or the refunding of any funds, borrowed, or otherwise unlawfully contracted or obtained, without first obtaining the consent of the people.

On motion,

The vote, referring said resolution to committee of the whole, was reconsidered.

When the rules were suspended;

The resolution read a second time, and referred to committee of the whole.

On motion of H. Lee,

So much of the message of the executive as relates to the revision of the laws,

Was referred to committee on revision.

So much as relates to the revenue,

Was referred to committee on ways and means.

So much as relates to judiciary,

Was referred to judiciary committee.

So much as relates to the law for collecting debts,

Was referred to judiciary committee.

So much as relates to military law,

Was referred to committee on military affairs.

So much as relates to schools,

Was referred to committee on education.

So much as relates to appropriations,

Was referred to committee on appropriations.

The House went into committee of the whole,

Mr. Garrison in the chair.

The committee rose, reported progress and asked leave to sit again.

The report was received, and leave granted to sit to-morrow.

On motion of Mr. McCarver,

The house adjourned to 9 o'clock, to-morrow.

THURSDAY, August 7, 1845.

The house met pursuant to adjournment.

Mr. Smith presented a petition from Robert Moore, and others, praying for a change in the road from the Robin's Nest to the Tuality Plains;

Referred to committee on roads and highways.

Mr. Gray offered a resolution, to strike out of yesterday's journal the words "indefinitely postponed,"

Which was lost.

On motion of Mr. Applegate,

The vote to postpone, indefinitely, the election of officers, provided for in the articles of compact,

Was reconsidered, and,

On motion of Mr. Gray,

The matter was laid on the table.

On motion,

The house went into committee of the whole,

Mr. B. Lee in the chair.

When the committee rose,

The chairman reported that the committee had had under consideration several bills, but had not adopted any.

Mr. Garrison offered the following resolution:—

Resolved—That the house do now adjourn to the first Tuesday in December next,

Which was lost.

On motion,

The House adjourned to 2 o'clock.

AFTERNOON SESSION.

The roll being called, and three members being absent, it was

Resolved—That the absent members be required, when they again appear, to assign the reason of their absence.

On motion of Mr. Gray,

The speaker was authorized to appoint a serjeant-at-arms, when deemed necessary by the house, to perform any specific duty; after which the office of such serjeant-at-arms shall expire.

Mr. Garrison moved—That Mr. McCarver be now restored to the office of speaker;

When the yeas and nays being demanded, were as follows:—

Yeas—Messrs. Applegate, Foisy, Garrison, Hendricks, Hill, H. Lee, B. Lee, McClure, Newell, Smith, and Straight—11.

Nays—Mr. Gray.

So Mr. McCarver was restored to the office of speaker of the house.

Messrs. Garrison, Smith, and Straight, were appointed to wait upon Mr. McCarver, and inform him of the result of the vote.

On motion,

On motion the house adjourned to 9 o'clock to-morrow.

FRIDAY, August 8, 1845.

The house met pursuant to adjournment,

On motion,

The rules were suspended, to allow the report of the committee to wait upon the speaker, &c.

Committee reported that the speaker was present, and

The house requested the speaker *pro. tem.* to wait upon the speaker to the chair.

The speaker then begged permission to tender his resignation.

Mr. H. A. G. Lee moved, and

Mr. Gray seconded,

That the speaker be allowed to resign;

Which motion was subsequently withdrawn.

On motion of Mr. Applegate,

The speaker was requested to withdraw his notice of resignation.

Reports from standing committees being in order,

Mr. Applegate, from committee on judiciary, reported a bill to adopt the statutes of Iowa;

Also, a bill to establish courts, &c.;

Also, a bill in relation to the supreme court.

Report was accepted.

Mr. Garrison reported a bill, in relation to the duties of the secretary of Oregon,

Which was received.

The House adjourned to 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Applegate reported a bill to establish the criminal court.

Received.

On motion,

The house proceeded to the orders of the day, when the above bills were, severally, read a first time.

The house went into committee of the whole,

Mr. Hill in the chair.

The committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion,

The House adjourned to 9 o'clock, to-morrow morning.

SATURDAY, August 9, 1845.

Mr. H. Lee, from committee on roads, reported back several petitions;

Report was accepted.

Mr. Gray, from committee on education, reported a bill on schools;

Received.

Mr. Garrison, from committee on the 6th sec., 2nd art., organic law, reported a bill, in relation to recorder;

Received.

Resolutions being in order, it was,

On motion of Mr. Smith,

Resolved—That this body does not possess the power to set aside or annul contracts, made and entered into, by the officers of this government, duly authorized to transact business on the part, and in behalf, of the government.

On motion of Mr. Garrison,

Resolved—That Joseph L. Meek, collector of revenue for Oregon, be, and he is hereby, required to produce the necessary vouchers, and papers, and make a full report to the committee on claims, of the amount of revenue collected by him, and paid into the treasury, for the year 1844; also, the amount due, and not collected; also, the amount in his hands, collected, and not paid into the treasury; and said committee is hereby instructed to report to the house as soon as practicable.

On motion of Mr. H. Lee,

Resolved—That the treasurer of Oregon be required to report, as soon as practicable, the present condition of the treasury.

On motion of Mr. Newell,

Resolved—That a committee of three be appointed to wait upon the sheriff and treasurer, and inform them of the resolutions passed, this day, in relation to their duties.

The house proceeded to the orders of the day.

The bill adopting the statutes of Iowa, and the common law of England,

Was read a second time, and referred to committee of the whole.

Also, the bill on judicial powers and courts.

The rules were suspended, to allow Mr. Applegate to make a report from the judiciary committee.

Mr. Applegate then reported a bill establishing district courts;

Also, a bill in relation to probate courts;

Which was read a first time.

The bill in relation to supreme court,

Was read a second time, and referred to committee of the whole, this day.

Also, the bill in relation to the secretary;

Also, the bill to establish criminal courts.

The messenger here announced a communication from the executive,

Which was read by the clerk;

And containing information of the resignation of J. W. Nesmith, judge of circuit court.

Said communication was referred to committee of the whole, this day.

The bill, in relation to schools,

Was read a first time.

Also, the bill in relation to recorder.

The house went into committee of the whole,

Mr. Straight in the chair.

The committee rose, and reported that they had had under consideration Mr. Applegate's resolution.

Report was accepted.

The House adjourned till 2 o'clock, P. M.

AFTERNOON SESSION.

On motion,

To adopt Mr. Applegate's resolution,

The yeas and nays were desired, and were:—

Yeas—Messrs. Applegate, Garrison, Hendricks, Hill, H. Lee, B. Lee, McClure, and Smith—8.

Nays—Messrs. Foisy, Gray, Straight, and Speaker—4.

Mr. Newell being excused from voting.

So the resolution was adopted.

On motion,

Leave was given to any member to enter a protest against Jesse Applegate's resolution.

The house went into committee of the whole,

Mr. Smith in the chair.

The committee rose, and reported progress,

And the report was accepted.

The committee to wait upon the collector and treasurer, made report, and was discharged from further duties.

On motion of Mr. Applegate,

The house went into secret session for the election of officers.

Proceeded, by ballot, to elect a supreme judge, for Oregon,

Which resulted in the choice of Nathaniel Ford, of Yamhill county.

The house adjourned to 8 o'clock, this evening.

EVENING SESSION.

The House met,

And Mr. Garrison was appointed clerk, *pro. tem.*

The house then proceeded, by ballot, to the election of secretary,

Which resulted in the choice of J. E. Long, for secretary.

The house proceeded to the election, by ballot, of a treasurer,

Which resulted in the choice of F. Ermatinger, for treasurer.

The house proceeded, by ballot, to the election of marshal for Oregon,

Which resulted in the choice of Joseph L. Meek, for marshal of Oregon.

On motion,

Resolved—That the clerk notify said individuals of their elections, severally.

The house then adjourned to 9 o'clock, on Monday morning next.

MONDAY, AUGUST 11, 1845.

The house met pursuant to adjournment.

On motion,

The rules were suspended, to allow the presentation of protests, when

Mr. Gray presented the following:—

WHEREAS, a resolution, with a preamble, containing a direct and positive censure upon the proceedings of the Oregon government, was introduced into this house, by Jesse Applegate, asserting that this house, and the people of Oregon, are not morally, or legally, bound for any act of said government, to the payment of any debts contracted, or unlawfully borrowed; except they had previously obtained the consent of the people;

AND WHEREAS, from the wording of said resolution, two constructions may be placed upon it, the one amounting to a repudiation of all debts heretofore contracted, or money borrowed; the other, implying a want of confidence in the agents and officers of this government; therefore,

We, the undersigned, decidedly and solemnly protest against the adoption of any such resolutions, or expressions, by this house, as they not only do no good, but tend to great evil, in destroying the confidence of the people in the agents and officers of this government, without sufficient cause.

(Signed) W. H. GRAY,
M. G. FOISY,
H. STRAIGHT.

Dated
Oregon City, Aug. 7, 1845.

Mr. Smith presented a petition from Tuality county, for a road in said county;

Referred to a select committee, consisting of Messrs. Smith, Hill, and B. Lee.

Mr. McClure presented a petition for an act of incorporation for military purposes;

Referred to a select committee, consisting of Messrs. McClure, H. Lee, and Applegate.

On motion of Mr. Applegate,

The committee on Indian affairs were instructed to enquire into the expediency of creating and defining the duties of superintendent of Indian affairs, and report, by bill, or otherwise.

On motion of Mr. Garrison,

Resolved—That the enacting clause of all laws passed by the house of representatives of Oregon, be as follows:—"Be it enacted by the house of representatives of Oregon territory, as follows."

Mr. H. Lee introduced three resolutions,

Which were not adopted.

On motion of Mr. McClure,

Resolved—That a committee of three be appointed to wait on the chief factor of the Hudson Bay company, for the purpose of ascertaining whether the launch boat, left in his possession by Lieut. Wilkes, can be given up to this government—*Provided*, this government becomes responsible for the safe keeping and delivery of said boat, to the order of Lieut. Wilkes, or the United States government, whenever properly demanded; and that the committee be instructed to discharge this duty, and report as soon as practicable.

Received, and referred to a select committee of Messrs. McClure, Smith, and Applegate.

On motion of Mr. Foisy,

Resolved—That the members of this legislature, who feel guilty for not having done their duty in the house, have not the right to claim their salary for the first three days of this session.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The rules were suspended, and the following bills

Read a second time by titles, and referred to committee of the whole, for this day; to wit:—

The bill on education, and schools;

The bill to establish a recorder's office;

The bill to establish district courts; and

The bill to establish probate courts.

The rules were suspended, to allow Mr. Applegate to introduce a bill to prevent duelling;

Read three times, and passed.

On motion of Mr. Applegate,

Said bill was ordered to be forwarded to the executive, for his approval, forthwith.

The speaker appointed P. G. Stewart, special messenger, for that purpose.

The bill was returned to the house, with the approval of the executive.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

The house met pursuant to adjournment.

The members were,

On motion,

Excused from voting on Mr. H. Lee's resolution.

On motion,

The house went into committee of the whole,

Mr. Hendricks in the chair.

The committee rose, and

The chairman reported that the committee had considered, and adopted, the following bills; to wit:—

The bill adopting Iowa statutes;

The bill in relation to supreme court;

The bill on judicial powers and courts;

The bill relating to secretary;

The bill to establish district courts ; and

The bill to establish probate courts.

The report was received, and

The house adjourned to 9 o'clock, to-morrow.

TUESDAY, August 12, 1845.

Mr. Gray presented a petition from the clerk of the house ;

Referred to committee on claims.

Mr. Applegate introduced a bill relating to justices' courts ;

Also, a bill to amend the statutes of Iowa, in relation to real and personal estate.

Received.

Mr. McClure, from committee on districts, reported a bill, in relation to the boundaries of two counties, north of the columbia river.

Received.

Mr. Smith, from committee on apportionment, reported a bill on apportionment.

Received.

Mr. Smith, from committee on roads, reported a bill to locate a road in Tuality county.

Received.

Proceeded to the

ORDERS OF THE DAY.

On motion of Mr. H. Lee,

The unfinished business, in relation to roads, &c., from the session of June and July,

Was referred to committee on roads.

The bill, granting a divorce to G. W. Rogers, which had been indefinitely postponed, was decided by Mr. Speaker to be not lost, from which decision

Mr. Applegate appealed, and

The house decided the bill was not lost.

On the motion of Mr. Applegate to reject the bill,

The yeas and nays were called for, and were as follows :—

Yeas — Messrs. Applegate, Foisy, Gray, Garrison, Hendricks, Hill, and Speaker—7.

Nays—Messrs. H. Lee, B. Lee, Newell, and Smith—4.

So the bill was rejected.

* * *

Mr. Straight was excused from voting at this time, and allowed to record his vote at any time hereafter.

The following bills were read a first time; to wit:—

The bill to amend the Iowa statutes, in relation to real and personal estate;

The bill on apportionment.

The bill to establish a road in Tuality county;

The bill defining the boundaries of two counties, north of the Columbia river; and

The bill defining the duties of treasurer.

The bill adopting Iowa statutes,

Was read a third time, and passed; also,

The bill to establish courts, &c.

Mr. H. Lee gave notice, that, on to-morrow, he would ask leave to introduce a bill, fixing the place of the offices of secretary and recorder, until suitable buildings should be erected by the government.

The bill to establish supreme court,

Was read a third time, and, on its passage,

The yeas and nays were called for, and were as follows:—

Yeas—Messrs. Foisy, Gray, Garrison, Hill, Smith, Straight, and Speaker—7.

Nays—Messrs. Applegate, H. Lee, B. Lee, McClure, and Newell—5.

On motion,

The vote was reconsidered, and

The bill referred back to committee of the whole, with instructions to amend as follows; to wit:—

To allow the judge for salary, for the first year, $200 00; the second year, $300 00; the third year, $400 00; the fourth year, $500 00; and, also,

To strike out the sixth section.

The bill defining the duties of secretary,

Was read a third time, and passed; also,

The bill establishing recorder's office;

The bill to establish criminal courts,

Was, on its third reading, referred back to committee of the whole; also,

The bill establishing district courts, with instructions to amend.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

Mr. McClure, from committee to wait on John McLoughlin, in relation to launch boat, reported a communication;

Which was received.

The bill establishing probate courts,

Was read a third time, and passed.

On motion,

The vote was reconsidered, and

The bill recommitted to committee of the whole.

The communication of John McLoughlin,

Was referred to committee of the whole.

The house went into committee of the whole,

Mr. Gray in the chair.

The committee rose, and reported that they had had under consideration:—

The bill to incorporate the Lockport canal company,

And had not adopted;

Also, the bill in relation to supreme court;

Also, the bill establishing district courts;

Also, the bill establishing criminal courts.

The report was adopted.

The bill in relation to supreme courts,

Was read a third time, and, on its final passage, was passed by the following:—

Yeas—Messrs. Foisy, Gray, Garrison, Hill, Smith, Straight, Speaker, and Hendrick—8.

Nays—Messrs. Applegate, H. Lee, B. Lee, McClure, and Newell—5.

The bill establishing criminal courts,

Which was read a third time, and passed.

The bill establishing district courts,

Was read a third time, and,

On the previous question being put,

The yeas and nays were called for, and were as follows:—

Yeas—Messrs. Applegate, Garrison, Hendrick, H. Lee, B. Lee, McClure, and Newell—7.

Nays—Messrs. Foisy, Gray, Hill, Smith, and Speaker—5.

So the bill passed.

Mr. Applegate presented a communication from Dr. E. White,

Which was read to the house, and,

On motion,

Resolved—That the thanks of this house are due to Dr. E. White, and his party, for their meritorious exertions to find a passage through the Cascade Mountains, and that his account of his journey be filed for publication.

On motion,

Dr. White was allowed to address the house.

On motion of Mr. Applegate,

Resolved—That a committee be appointed, consisting of one member from each county, to enquire into the expediency of locating the seat of government, and erecting public buildings thereat; and that they be instructed to report by bill, or otherwise.

The Speaker appointed Messrs. Gray, Garrison, Hendrick, Smith, and McClure.

On motion,

The house adjourned to 9 o'clock, to-morrow.

WEDNESDAY, August 13, 1845.

House met pursuant to adjournment.

Reports from standing committees being called for,

Mr. Applegate, from judiciary, reported several bills,

Which were received.

Mr. Gray presented treasury report,

Which was received.

Mr. Garrison reported a bill, in relation to sheriffs,

Which was received.

The house proceeded to

ORDERS OF THE DAY.

Mr. H. Lee introduced a bill, in relation to offices of secretary and recorder.

Received.

The treasurer's report,

Was referred to committee on ways and means.

Mr. Gray read the sheriff's report.

A bill in relation to jurors,

Was read a first time;

Also, a bill to legalize the acts of courts;

Also, a bill in relation to bonds of officers;

Also, a bill in relation to sheriffs,

Also, a bill in relation to offices of secretary.

A report from judiciary committee,

Was received, asking instructions.

The instructions were given, as requested, to report a bill.

The bill to establish justices' courts,

Was read a second time, and referred to committee of the whole.

Also, the bill in relation to real estate;

Also, the bill on apportionment;

Also, the bill defining boundaries of two counties north of Columbia river;

Also, the bill in relation to treasurer;

Also, the bill establishing a road in Tuality county.

The house went into committee of the whole,

Mr. Smith in the chair.

When the committee rose,

Chairman reported that they had considered the bill establishing probate courts;

A communication from John McLoughlin;

The bill in relation to real estate;

And a resolution introduced by Mr. H. Lee;

All of which had been adopted.

The report was received.

The House adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The house went into committee of the whole,

Mr. McClure in the chair.

When the committee rose,

The chairman reported that they had considered:—

The bill defining the boundaries of two counties, north of Columbia river;

A bill to incorporate the Multnomah circulating library society;

A bill to establish probate courts;

A bill to amend Iowa statutes;

A bill to establish justices' courts;

A bill to locate a road in Tuality county; and

A bill on apportionment;

All of which has been adopted; also,

A communication from John McLoughlin,

Which the committee referred back to the house.

The report of committee was received.

The bill to establish probate courts,

Was read a third time, and passed.

The communication from John McLoughlin,

Was ordered to be put on file.

The house adjourned to 9 o'clock, to-morrow.

THURSDAY, AUGUST 14, 1845.

The house met pursuant to adjournment,

Mr. Gray, from committee on claims, made a report, Which was received, and referred to committee on ways and means.

Mr. H. Lee reported a bill, authorizing the opening of a road from Oregon City to the Santiam river.

Read a first time.

Mr. Garrison reported a bill, in relation to the office of marshal.

Mr. McClure, from special committee, reported a bill to incorporate the Wahome milling company.

Mr. Gray, from committee to locate the seat of government, reported a bill for that purpose.

Mr. Applegate informed the house that he had in his possession several official documents, belonging to Dr. E. White, which he was requested to lay before the house.

The report and documents were received.

On motion of Mr. Applegate,

Resolved—That, whereas the adoption of the amended organic law, by the people of Oregon, was an act of necessity rather than choice, and was intended to give to the people the protection which, of right, should be extended to them by their government; and not as an act of defiance or disregard of the authority or laws of the United States; therefore,

It is further Resolved—1st. That, in the opinion of this house, the congress of the United States, in establishing a territorial government, should legalize the acts of the people in this country, so far as they are in accordance with the constitution of the United States.—2nd. That Dr. Elijah White, sub Indian agent of Oregon, be requested to furnish a copy of the amended organic law to the congress of the United States.—3rd. That these resolutions be endorsed on said copy, with the vote of this house, adopting the same.

On the adoption of the above, the vote was unanimous;

Which vote was taken by yeas and nays; and,

On motion,

The house decided that the members should not sign their names to said resolutions.

On motion of Mr. Newell,

Resolved—That this house recommend to the favorable consideration of the congress of the United States, the just claims of Dr. E. White, sub Indian agent, for a remuneration for the heavy expenses by him incurred, in attempting to discover a southern passage through the Cascade Mountains.

Mr. Hill introduced a resolution,

Which was received.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The bill in relation to jurors,

Was read a second time, and referred to committee of the whole.

The bill in relation to bonds of officers,

Was read a second time, and ordered to be engrossed for third reading.

The bill to legalize the acts of courts,

Was read a second time, and referred to committee of the whole.

Also, the bill in relation to sheriff's;

Also, the bill to locate the office of secretary, &c.

The bill to incorporate the Multnomah circulating library,

Was amended by way of rider, read a third time, and passed.

The bill to amend Iowa statutes,

Was read a third time, and passed.

The bill to establish justices' courts,

Was, on its third reading, committed to committee of the whole.

The bill to define the boundaries of two counties, north of the Columbia river,

Was read a third time, and passed.

The bill on apportionment was, on its third reading, laid upon the table.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

On motion of Mr. Applegate,

The vote attaching Clark county to Clackamas,

Was reconsidered, and

The bill laid upon the table.

The resolution of Mr. Newell was called up, and, on its final passage,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Foisy, Hendrick, H. Lee, McClure, Newell, Straight, and Speaker—8.

Nays—Messrs. Gray, Garrison, Hill, B. Lee, and Smith—5.

So the resolution was passed.

On motion,

The house adjourned to 9 o'clock, to-morrow.

FRIDAY, August 15, 1845.

The house met pursuant to adjournment.

Mr. Applegate, from judiciary committee, Reported a bill to prevent litigation;

Also, a bill to regulate currency.

The bills were read a first time.

Mr. H. Lee reported a bill on roads, &c.;

Which was read a first time.

Mr. Foisy reported a bill on Indian affairs;

Which was read a first time.

On motion of B. Lee,

Resolved—That M. M. McCarver has been opposed to the organic law, as adopted by the people of Oregon; and, contrary to the voice of this house in regular session, clandestinely, and in a manner unworthy the confidence reposed in him, placed his name to a copy of those laws transmitted to the United States, thereby conveying a false impression; and did, also, sign his name to two resolutions, contrary to a direct vote of this house; therefore,

It is further Resolved—That we disapprove of the course he has pursued, and feel ourselves under the humiliating necessity of signifying the same to the United States government, by causing a copy of this resolution to accompany those documents;

Which resolution was received, and referred to committee of the whole.

Mr. Hill introduced the following:—

Resolved—That no person belonging to the Hudson Bay company, or in their service, shall ever be considered as citizens of the government of Oregon; nor have the right of suffrage or elective franchise;

Which resolution was rejected.

The house proceeded to the

ORDERS OF THE DAY.

The bill to locate the seat of government,

Was read a first time, and laid upon the table.

The bill to incorporate the Wahome milling company,

Was read a first time;

Also, the bill in relation to marshal;

Also, the bill to incorporate Columbia transporting company.

The documents laid before the house, yesterday, in relation to Indian affairs,

Was referred to committee on Indian affairs.

The bill to open a road from Oregon City to Santiam river,

Was read a second time, and referred to committee of the whole.

The bill to locate a road from Tuality Plains to Sauvie's Island,

Was read a third time, and passed.

Also, the bill in relation to officers' bonds.

The house went into committee of the whole,

Mr. Garrison in the chair.

When the committee rose,

The Chairman reported, that they had considered:—

The bill to establish justices' courts;
The bill in relation to sheriff's;
The bill legalizing the acts of courts; and
A resolution introduced by Mr. H. Lee;
All of which had been adopted.

Report was received.

The house adjourned to two o'clock.

AFTERNOON SESSION.

The house went into committee of the whole,
Mr. Hill in the chair.

The messenger announced a messenger from the governor.

The Speaker resumed the chair, and the message was delivered as follows:—

The governor hereby returns to the house the bills, submitted for his approval; three of which are not approved, for the reasons assigned in his written communication, herewith delivered.

The Speaker left the chair, and the chairman resumed.

The committee rose, and reported, that they had considered:—
The bill in relation to grand jurors;
A bill on roads;
The bill in relation to treasurer;
All of which had been adopted.

The chairman, also, reported, that the committee had considered
The resolution of Mr. B. Lee,
But had not adopted it.

Report was received.

On motion of Mr. Gray,
Mr. J. E. Long was called upon to explain, in regard to the last-mentioned resolution.

On motion,
A. L. Lovejoy was called upon to state, on oath, his knowledge in relation to the facts set forth in the said resolution.

Messrs. Smith and Hill were also questioned on their oaths.

The rules were suspended, to allow Mr. McCarver, speaker of the house, to speak in his own defence.

The house went into committee of the whole,
Mr. Applegate in the chair.

The committee rose, and reported, that they had been engaged in the investigation of the subject referred to in Mr. B. Lee's resolution; but had not adopted the resolution.

Report was received.

The house adjourned to half-past seven o'clock.

EVENING SESSION.

On motion of Mr. Applegate,

Resolved—That, whereas a copy of the organic laws of Oregon, together with some resolutions, intended to be sent to the United States, have not been attested and despatched according to the directions of this house; therefore,

Resolved—That the clerk despatch for them a messenger, to Vancouver, with authority to bring said documents back, and that he deliver them to the secretary, and that the expenses incurred be paid by the members of this house, who voted for the resolution.

On the adoption of which,

The yeas and nays were called, and were as follows:—

Yeas—Messrs. Applegate, Gray, B. Lee, McClure, and Newell, —5.

Nays—Messrs. Hill, Smith, and Straight—3.

So the resolution was adopted.

Messrs. Foisy, Garrison, Hendrick, and Speaker, were excused from voting.

On motion,

The house went into committee of the whole,

Mr. Applegate in the chair.

The committee rose, and reported, that the resolution of B. Lee having been under consideration,

Was laid upon the table.

The house held a secret session for the purpose of electing officers.

On motion,

The house proceeded, by ballot, to elect district judges, for Champoeg county;

Which resulted in the choice of

E. Parish, for three years;

F. H. Matthews, for two years; and

Daniel Waldo, for one year.

On motion,

The house proceeded, by ballot, to elect a sheriff, for Champoeg district,

Which resulted in the choice of Wm. Morrison.

The house proceeded, *viva voce*, to elect district judges, for Tuality district,

Which resulted in the choice of

O. Russell, for three years;

H. Higgins, for two years; and

Wm. Burriss, for one year.

The house proceeded to elect a sheriff, for Tuality county,

Which resulted in the choice of T. Smith.

The house proceeded to elect district judges, for Yamhill district,

Which resulted in the choice of

James O'Neil, for three years;

J. Hembree, for two years; and

J. P. Walker, for one year.

The house proceeded to elect a sheriff, for Yamhill district,

Which resulted in the choice of A. Hembree.

The house adjourned to 9 o'clock, to-morrow morning.

SATURDAY, August 16, 1845.

The house met pursuant to adjournment.

The rules were suspended, to allow the introduction of resolutions, when,

On motion of Mr. McClure,

It was

Resolved—That, whereas the speaker of this house has signed certain documents, ordered to be sent to the United States, by a vote of this legislature, from a mistaken sense of duty, and not from contumacy or contempt for this house; therefore,

Resolved—That M. M. McCarver, said speaker, have leave of absence, for the purpose of following Dr. E. White to Vancouver; and this house enjoins that said speaker erase his name from said documents; to wit:—the organic law, and two resolutions in favor of Dr. E. White.

On motion of Mr. Applegate,

It was

Resolved—That it was not the intention of this house, in passing resolutions in favor of Dr. E. White, to recommend him to the government of the United States as a suitable person to fill any office in this territory; and,

Be it further Resolved—That the clerk of this house forward, by some suitable person, an attested copy of this resolution, to the United States government.

The house appointed J. M. Garrison, speaker, *pro tem*.

Mr. Gray, from committee on claims, made a report in relation to claims upon the treasury for 1844.

Report was received, and recommitted to committee on claims, with instructions to report a bill.

On motion of B. Lee,

The committee on judiciary was instructed to report a bill on seamen, and,

On his further motion,

The committee on ways and means, was instructed to report a bill providing for the levying and collection of taxes.

On motion,
The house proceeded to the

ORDERS OF THE DAY,

When the following bills
Were severally read a second time, and referred to committee of the whole:—
The bill to prevent litigation;
The bill to regulate currency;
The bill to appoint a superintendent of Indian affairs;
A bill to amend an act on roads and highways;
The bill tn incorporate the Wahome milling company;
The bill relating to the office of marshal;
The bill to incorporate Columbia transporting company.
The bill to legalize the acts of courts,
Was read a third time, and passed.
The house went into committee of the whole,
Mr. Gray in the chair.
The committee rose and reported, that they had had under consideration,
The first section of the bill to prevent litigation.
Report was received.
The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

On motion of Mr. Smith,

Resolved—That the vote, requiring the speaker to go in quest of Dr. E. White, for the purpose of erasing his name from certain documents in his possession, to be by him conveyed to the United States, be reconsidered, and the speaker be restored to the chair.

On motion,
The house went into committee of the whole,
Mr. Gray in the chair.
The committee rose, and
The chairman reported, that the committee had further considered
The bill to prevent litigation,
Which had been indefinitely postponed.
On the motion to adopt the report,
The yeas and nays were called for, and were:—

Yeas—Messrs. Foisy, Gray, Garrison, Hill, Straight, McClure, Smith, and Speaker—8.

Nays—Messrs. Applegate, Hendrick, H. Lee, B. Lee, and Newell—5.

So the report was adopted.
On motion,
The house adjourned to 9 o'clock, on Monday morning.

MONDAY, AUGUST 18, 1845.

The house met pursuant to adjournment.
Mr. Lee, from committee of ways and means,
Reported a bill in relation to salary of governor;
Read a first time.
On motion,
The rules were suspended;
And the bill was read a second time, and referred to committee of the whole.
Mr. Gray, from committee on claims, made a report concerning clerk's fee bill;
The report was accepted, and the committee instructed to report a bill.
Mr. Applegate, from judiciary, reported a bill on fees,
Which was read a first time; also,
A bill on seamen;
Read a first time.
Mr. Smith, from committee on apportionment, reported a bill,
Which was read a first time.
The rules were suspended, and the bill read a second time.
The house proceeded to the

ORDERS OF THE DAY.

The bill on courts, &c., returned by the governor, with his objections, and instructions to amend the third section, by striking out the words "annual election," and insert "the next regular session of the house,"

Was reconsidered, and referred to committee of the whole, with instructions to amend, in accordance with the recommendation of the governor.

The bill to locate the seat of government, returned by the governor, with the following objection; to wit:—

The organic law provides that the legislative committee meet in December of each year. I, therefore, return the bill entitled "An act to fix the time and place for holding the sessions of the house of representatives," as the organic law provides for the time of its meetings; we have no right to fix any other time;

Was referred to committee of the whole.

The bill to establish district courts, returned by the governor,

To act on, and fill the blanks,

Was laid on the table.

The bill to establish justices' courts,

Was read a third time, and passed.

The bill in relation to treasurer,

Was read a third time, and, on its final passage,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Gray, Garrison, B. Lee, McClure, Newell, and Smith—7.

Nays—Messrs. Foisy, Hendrick, Hill, H. Lee, Straight, and Speaker—6.

So the bill passed.

The messenger announced a communication from Dr. White, in relation to supplying the Indians with ardent spirits;

Referred to committee of the whole.

The rules were suspended to allow Mr. Newell to introduce a bill in relation to ardent spirits.

The bill was read a first and second times, and referred to committee of the whole.

The bill in relation to a road from Oregon City to Santiam river,

Was read a third time, and passed.

The bill in relation to jurors,

Was read a third time,

When the yeas and nays were demanded on its passage, and were as follows:—

Yeas—Messrs. Applegate, Foisy, Garrison, H. Lee, B. Lee, McClure, Newell, and Straight—7.

Nays—Messrs. Gray, Hendrick, Hill, Smith, and Speaker—5.

So the bill passed.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

The bill to provide for the election of sheriffs,

Was read a third time, and passed.

The apportionment bill, and

The bill on counties,
Was referred to committee of the whole.
The bill on district courts,
Was referred to committee of the whole.
The house went into committee of the whole,
Mr. H. Lee in the chair.
The committee rose, and
The chairman reported that they had had under consideration:—
The bill incorporating Columbia transportation company;
The bill concerning marshal;
The bill to incorporate Wahome milling company;
The bill fixing salary of governor and house of representatives;
Which had been adopted.
Also, the bill in relation to superintendent of Indian affairs,
Which had been reported back to the house, with a request that a special committee be appointed, with instructions to amend the bill.
The report was accepted, and
Messrs. Foisy, H. Lee, and McClure, were appointed a special committee, on the bill in relation to superintendent of Indian affairs.
The house adjourned to half-past seven o'clock.

EVENING SESSION.

Mr. H. Lee gave notice, that, on to-morrow, he would ask leave to introduce a bill to adopt the laws of 1844.

A message from the governor was announced, and read, as follows; to wit:—

Gentlemen,—

I beg leave to inform you that I have received an answer from Col. Nathaniel Ford, in which he declines accepting the office of supreme judge of Oregon. You will, therefore, proceed to a new election.

I have the honor, gentlemen, to remain your obedient servant,

GEO. ABERNETHY.

On motion,
The house went into secret session, to fill the office of supreme judge of Oregon,
Which resulted in the choice of P. H. Burnett.
On motion,
The vote taken on the 15th instant, for judge of Tuality district,
Was reconsidered; and
The house proceeded to the election of judges for Tuality district,
Which resulted in the choice of

B. Q. Tucker, for three years;
H. Higgins, for two years; and
Wm. Burriss, for one year.

The house went into committee of the whole,

Mr. Applegate in the chair.

The committee rose, and reported the bill organizing Clark and Lewis counties, adopted;

The report was adopted,

And the bill amended by rider.

The arrival of a letter, from Dr. E. White, was announced;

Which was read, as follows:—

August 17, 1845.

To the Hon., &c.

Gentlemen,—Being on my way, and having but a moment to reflect, I have been at much of a loss which of your two resolutions most to respect, or which to obey; but at length have become satisfied that the first was taken most soberly, and, as it answers my purpose best, I pledge myself to adhere strictly to that. Sincerely wishing you good luck in legislating,

I am, dear sirs, very respectfully yours,

E. WHITE.

The house adjourned to 9 o'clock, to-morrow.

TUESDAY, August 19, 1845.

The house met pursuant to adjournment.

Mr. H. Lee, from committee on roads, reported back several petitions;

Said petitions were referred back again to committee, with instructions to report thereon.

Messrs. Hill, Smith, and B. Lee, were appointed a special committee, to report upon the petition in relation to Tuality river.

Mr. H. Lee introduced a bill to adopt the laws of 1844;

Read a first time.

The rules were suspended, and

The bill was read a second time, and referred to committee of the whole.

A communication from J. A. Graham,

Was read by the house, in relation to the conduct of Dr. E. White towards this house.

The Speaker was allowed to explain in regard to said letter.

The house proceeded to the

ORDERS OF THE DAY.

The bill in relation to costs and fees,

Was read a second time, and referred to committee of the whole;

Also, the bill in relation to seamen and servants.

The bill to regulate currency,

Was, on its third reading, recommitted to committee of the whole.

The bill in relation to marshal,

Was read a third time, and passed;

Also, the bill fixing salary of governor, and pay of the members of the legislature;

Also, the bill to incorporate the Wahome milling company;

Also, the bill to incorporate the Columbia transportation company, being first amended by rider;

Also, the bill to establish courts of Oregon, &c.

The house went into committee of the whole,

Mr. Straight in the chair.

The committee rose, and

The chairman reported that they had had considered

The bill to adopt the laws of 1844.

Report was received and adopted.

Mr. Smith gave notice, that, on to-morrow, he would ask leave to introduce a bill to propose amendments to the organic law.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

The rules were suspended; and

The committee on claims reported an appropriation bill;

Read first and second times, and referred to committee of the whole.

The house went into committee of the whole,

Mr. Garrison in the chair.

The committee rose;

The chairman reported that they had considered, and adopted, the following bills:—

The bill to regulate the currency;

The bill on roads;

The bill on costs and fees;

The bill on ardent spirits; and

The appropriation.

The report was accepted.

The resolutions on the launch boat, were,

On motion,
Read to the house;
And the select committee thereon instructed to report to-morrow.

The following bills were severally read a third time, and passed; to wit:—

The bill to adopt the laws of 1844;
The bill establishing district courts; and
The bill on roads and highways.

The bill to regulate the currency,
Was read a third time, and, on its passage,
The yeas and nays were called for, and were as follows:—

Yeas—Messrs. Applegate, Foisy, Gray, Hendrick McClure, Smith, Straight, and H. Lee—8.

Nays—Messrs. Garrison, Hill, B. Lee, Newell, and Speaker—5.

So the bill passed,
The house adjourned to seven o'clock.

EVENING SESSION.

On motion of Mr. B. Lee,
Resolved—That when this house adjourn, to-morrow night, it adjourn *sine die*.

On motion of Mr. Hill,
Resolved—That all resolutions, and other proceedings, of this house, calculated to cast censure upon the speaker, be expunged from the journals, and the clerk is hereby authorised to erase the same;
Which, after some discussion,
Was laid upon the table.

The house proceeded to the election of district judges, for Clackamas district,
Which resulted in the choice of
P. G. Stewart, for district judge, for three years;
Fred. Prigg, for two years; and
T. W. Pettigrove, for one year.
And Wm. Holmes was elected sheriff for Clackamas county.

The house then proceeded to the election of district judges, for Clatsop district,
Which resulted in the choice of
W. T. Perry, for three years;
Robt. Shortess, for two years; and
Calvin Tibbits, for one year.
And Thos. Owens was duly elected sheriff for Clatsop county.

The house proceeded to the election of district judges, for the district of Vancouver,

Which resulted in the choice of

James Douglas, for three years;

M. T. Simmons, for two years; and

Chas. Forrest, for one year.

John R. Jackson was elected sheriff for Vancouver district.

The house adjourned to 9 o'clock, to-morrow morning.

WEDNESDAY, August 20, 1845.

The house met pursuant to adjournment.

Mr. Foisy, from special committee, reported a bill on Indian affairs;

Was read a first time;

The rules were suspended;

The bill read a second time, and referred to committee of the whole.

Mr. Hill, from special committee, reported a bill to protect the navigation of Tuality river;

Read a first and second times, and referred to committee of the whole.

Mr. Smith introduced a bill to amend the organic law;

Read a first and second times, and referred to committee of the whole.

Mr. McClure, from a special committee to confer with John McLoughlin, concerning the launch boat, made a report,

Which was ordered to be filed in the office of the secretary.

Mr. H. Lee reported a bill to require judges of elections to return copies of the organic law, in their possession, to the District judges;

Also, a bill supplementary to an act to create district courts;

Both of which were read first and second times, and referred to committee of the whole.

Mr. B. Lee, from committee on ways and means, reported a bill on revenue;

Which was read first and second times, and referred to committee of the whole.

The appropriation bill,

Was read a third time, and recommitted to committee of the whole.

The bill concerning fees and costs,

Was read a third time, and passed.

The bill on ardent spirits,

Was read a third time, and, on its passage,

The yeas and nays were taken, as follows:—

Yeas—Messrs. Applegate, Gray, Hendrick, B. Lee, and Newell—5.

Nays—Messrs. Foisy, Garrison, Hill, H. Lee, McClure, Smith, Straight, and Speaker—8.

So the bill was not passed.
The bill on seamen and servants,
On its third reading,
Was indefinitely postponed.
The house went into committee of the whole,
Mr. Hendrick in the chair.
When the committee rose,
The chairman reported that the committee had considered,
A bill *in relation to* Indian agent, &c.,
Which had been adopted.
The house adjourned to 1 o'clock.

AFTERNOON SESSION.

Mr. Applegate introduced a bill on fees of circuit attorney;
Read first and second times, and referred to committee of the whole.
The bill to create the office of Indian agent,
Was read a third time; and
The yeas and nays being called, on its passage, were:—

Yeas—Messrs. Applegate, Garrison, Hendrick, H. Lee, B. Lee, McClure, Smith, Newell, and Speaker—9.

Nays—Messrs. Foisy, Hill, and Straight—3.

So the bill passed.
The house went into committee of the whole,
Mr. McClure in the chair.
The committee rose, and
The chairman reported, that the committee had considered:—
The bill to secure the navigation of the Tuality river;
Which had been adopted.
On motion of Mr. Applegate,
It was

Resolved—That the secretary be requested to forward to the United States government, through the American consul at the Sandwich Islands, a copy of the articles of compact, as adopted by the people of Oregon territory, on the last Saturday of July, A.D. 1845; and that the same be signed by the governor, and attested by the secretary; also, all resolutions adopted by this house, relative to sending said documents by E. White, late Indian agent of this territory; also, a copy of the letter of E. White, directed to this house.

Mr. B. Lee presented a petition from Robt. Moore, praying the house to attach a portion of Tuality district to Clackamas;

The petition was referred to select committee; Messrs. B. Lee, Hill, and Smith.

The house went into committee of the whole,

Mr. Smith in the chair.

The committee rose, and

The chairman reported that the committee had considered and adopted the following bills:—

The bill to amend the organic law;

The bill concerning copies of the organic law;

The bill supplementary to an act establishing district courts;

The bill on revenue;

The bill concerning fees of attorneys; and

The appropriation bill.

Report was accepted.

Mr. H. Lee introduced a bill to provide for special term of district courts.

Rules were suspended;

Bill read its three several times and passed.

The bill supplementary to district court bill,

Was read a third time, and passed;

Also, the bill concerning copies of organic law;

Also, the bill to amend the organic law, and

The yeas and nays being taken, as follows:—

Yeas—Messrs. Garrison, Hendrick, Hill, H. Lee, B. Lee, McClure, Speaker, Newell, Smith, and Straight—10.

Nay—Mr. Foisy—1.

Also, the appropriation bill;

Also, the bill concerning circuit attorney's fees;

Also, the bill concerning revenue.

Mr. B. Lee, from special committee, to whom was referred the petition of Robert Moore, reported a bill,

Which was read a first time, and postponed indefinitely;

As, also, were

The bill on seamen, &c.; and

The bill to secure the navigation of Tuality river.

The house adjourned to 7 o'clock.

EVENING SESSION.

A message was received from the governor, informing the house that he had approved the acts he now returned.

On motion,

The house adjourned *sine die.*

(Signed) M. M. McCARVER, *Speaker.*

Attest.

J. E. LONG, *Clerk.*

JOURNAL

Of the House of Representatives, Tuesday, Dec. 2, 1845.

Agreeably to the provisions of the organic law, the first annual session of the house of representatives was held this day.

The members met at the house of J. E. Long.

The roll being called, there were

Present—From Champoeg district—M. G. Foisy, J. M. Garrison, Robert Newell, and Barton Lee.

From Clackamas district—W. H. Gray and Hiram Straight.

From Tuality district—David Hill and M. M. McCarver.

From Clatsop district—Mr. McClure.

There were

Absent—From Yamhill district—Mr. Hendrick and Mr. Applegate.

From Tuality district—J. M. Smith.

From Clackamas district—H. A. G. Lee.

The members present took the oath of office and their seats.

On motion,

Messrs. B. Lee, Straight, and McClure, were appointed a committee to procure a suitable room, in which to hold the present session.

On motion of B. Lee,

The house proceeded to elect a speaker,

When, after ballotting several times, without any choice,

The house adjourned to 2 o'clock, P.M., of this day.

At two o'clock the house met, and

Proceeded to the election of speaker,

Which resulted in the choicr of Robert Nowell, of Champoeg district.

On motion of Mr. Garrison,

The house proceeded to elect a chief clerk,

Which resulted in the choice of J. E. Long.

On motion,

Messrs. B. Lee, Hill, and McCarver, were appointed a committee to draft rules for the government of the house.

The committee appointed to provide a room for the house, reported that they had procured a room of T. McGruder, at $2 00 per day; fuel and light included.

The report was accepted, and

Committee discharged.

On motion of Mr. Gray,

The house proceeded to the election of a serjeant-at-arms,

Which resulted in the choice of T. McGruder.

On motion of Mr. Gray,

The vote to appoint a committee to draft rules,

Was reconsidered, and,

On his further motion,

The rules of the house of representatives of the United States, contained in *Jefferson's Manual*,

Were adopted, so far as they may be applicable to the circumstances of this house.

On motion of Mr. Garrison,

Messrs. Garrison, McCarver, and Straight, were appointed a committee to wait on the governor, and inform him that this house is now organized, and ready to receive any communication he may have to make.

On motion of Mr. Garrison,

The house adjourned to six o'clock, P.M., to meet then at the house of T. McGruder.

EVENING SESSION.

House met at six o'clock.

Mr. Garrison reported a message from the governor,

Which was read to the house, and laid on the table.*

The Speaker announced the following standing committees; to wit:—

On apportionment—Messrs. Foisy, Hendrick, and Gray;

On claims—Messrs. B. Lee, Foisy, and Hill;

On judiciary—Messrs. McCarver, Garrison, and Straight;

On private land claims—Messrs. B. Lee, Hendrick, and Hill;

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*Not found in the Archives.—Com.

On Military affairs—Messrs. Hill, Foisy, and McClure;

On roads and highways—Messrs. Garrison, McCarver, and Foisy;

On Indian affairs—Messrs. Straight, B. Lee, and McCarver;

On ways and means—Messrs. Gray, B. Lee, and McClure;

On districts—Messrs. McClure, Garrison, and Hendrick.

Mr. Hendrick, from Yamhill, appeared and took his seat.

On motion of Mr. Garrison,

The Governor's message was taken up, and referred to standing committees, as follows:—

So much as relates to military affairs,

Was referred to committee on military affairs;

So much as relates to currency, and the sale of spirituous liquors,

Was referred to committee on ways and means;

So much as relates to weights and measures,

Was referred to committee on judiciary;

So much as relates to districts,

Was referred to committee on districts;

So much as relates to seat of government,

Was referred to committee of five, one from each district, as follows:—

Messrs. B. Lee, Hill, Gray, Hendrick, and McClure;

So much as relates to a new road into the Willamette settlements,

Was referred to Messrs. Garrison, McCarver, and Hendrick;

So much as relates to appointment of judge for Clatsop district,

Was referred to committee on apportionment;

So much as relates to the resignation of Jesse Applegate,

Was referred to committee of three, Messrs. Gray, McClure and Hendrick, said committee to report to-morrow morning.

The remaining portions of the message,

On motion,

Was laid upon the table.

On motion of Mr. Gray,

Resolved—That the Speaker be authorized and required to appoint some person to open the morning sessions each day with prayer.

The house adjourned to 9 o'clock, to-morrow.

WEDNESDAY, DEC. 3, 1845.

House met pursuant to adjournment.

Petitions were called for, when

Mr. Gray presented one from H. Burns, and others, praying that two districts might be made of Tuality district.

Referred to select committee of Messrs. Gray, Hill and Hendrick.

On motion of Mr. McCarver,

Resolved—That this house do now proceed to elect, by ballot, an engrossing clerk,

Which resulted in the choice of F. Prigg.

On motion of B. Lee,

Resolved—That the committee on the seat of government be instructed to post up notices that they will receive sealed proposals till Monday next, from persons wishing to make donations to this territory, for purposes above mentioned.

Mr. Gray, *from committee to wait on* the governor, reported as follows:—

Your committee, to whom was referred that part of the governor's message, which related to the resignation of Jesse Applegate, beg to report—That they have waited upon his excellency, and received from him the communication of Mr. Applegate, which is herewith transmitted; and that the governor informed your committee that he would issue his writ of election to the district of Yamhill, forthwith.

Report was laid upon the table.

Mr. Gray presented a communication, in relation to the estate of Ewing Young,

Which was read, received, and referred to select committee, consisting of B. Lee, Straight, and Garrison.

On motion of Mr. McCarver,

Resolved—That the committee, to whom was referred the subject of a road across the Cascade Mountains, &c., be authorised to take testimony, in relation to the practicability of said routes suggested by the governor.

Mr Gray gave notice that, on to-morrow, he would ask leave to call up the unfinished business of last session of the legislature.

Mr. McCarver moved that this house, on Saturday evening next, adjourn *sine die*,

Which was lost.

The house adjourned to 6 o'clock this evening.

EVENING SESSION.

At six o'clock the house met.

Mr. Gray, from committee on ways and means, by leave, introduced a bill on currency;

Read a first time.

On motion of Mr. McCarver,

Resolved—That a committee of five, one from each district, be appointed to draft a memorial to congress, praying for an appropriation to construct a road across the Blue and Cascade Mountains;

Which was adopted; and

Messrs. McCarver, McClure, B. Lee, Hendrick, and Straight,
Were appointed said committee.
The house adjourned to 9 o'clock, to-morrow morning.

THURSDAY, DEC. 4, 1845.

At nine o'clock the house met.

Mr. Gray, from committee on ways and means, reported a bill on ardent spirits;

Read a first time.

On motion of Mr. Gray,

Resolved—That the supreme judge be called upon to inform this house whether he had examined the laws enacted by the previous legislature of this territory; also, to inform the house how many of said laws are incompatible with the organic articles of compact, adopted by the people on the 25th of July, 1845, if any there be.

On motion of Mr. Gray,

Resolved—That a committee of one from each district, be appointed to draft a memorial to the people of the United States, giving a brief acount of the country, its soil, climate, productions, laws, advantages and disadvantages, facilities, and difficulties attending the journey to, and residence in it; and report the same to the house, as early as possible.

Mr. Gray offered the following:—

That the rules be suspended, for the purpose of taking up the unfinished business of last session;

Which was lost.

The bill on currency,

Was read a second time, and referred to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. Straight in the chair.

The committee rose, reported progress, and asked leave to sit again.

Leave was granted.

The house adjourned to 6 o'clock.

EVENING SESSION.

At six the house met, and

Went into committee of the whole,

Mr. Straight in the chair.

Committee rose, and reported

The consideration of the currency bill,

And requested the house to refer said bill back to committee which originated it, with instructions to amend it, so as to make wheat and all kinds of peltries, a legal tender.

The report was accepted.

The house adjourned to nine o'clock to-morrow.

FRIDAY, DEC. 5, 1845.

At nine o'clock the house met.

Mr. Hendrick presented a petition from Yamhill district, praying for a new road;

Which was referred to committee on roads and highways.

Mr. McCarver, from special committee, reported a memorial to congress,

Which was read a first time.

Resolutions being next in order, it was,

On motion of Mr. Gray,

Resolved—That the treasurer be requested to report to this house the state of the treasury, as soon as practicable.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The bill on ardent spirits,

Was read a second time, and referred to committee of the whole, this day.

The house adjourned to six o'clock this evening.

At six o'clock the house met.

Mr. H. Lee, from Clackamas, being present, took the oath and his seat.

Mr. Gray, on leave of the house, introduced a bill on the currency, &c.,

Which was read a first time.

Mr. McCarver gave notice that, on Monday, he would ask leave to introduce a bill to submit the subject of dividing Tuality district to the vote of the people of said district.

A communication from the governor was announced by the sergeant-at-arms,

Which was read, as follows :—

Gentlemen,—

I beg leave to inform you that two vacancies have occurred in the judiciary department of Clackamas district, occasioned by the resignation of P. G. Stewart, first judge and president of the district court, and F. W. Pettygrove, judge of the district court.

Yours, truly,

GEO. ABERNETHY.

Which was laid upon the table.

The house went into committee of the whole,

Mr. Garrison in the chair.

The committee rose, and

The chairman reported that the committee had considered :—

The bill amending a former act, relative to ardent spirits, &c.,

Which had been adopted by the committee.

The report was received.

On motion,

The house adjourned to 10 o'clock, to-morrow morning.

SATURDAY, Dec. 6, 1845.

At ten o'clock the house met.

Mr. Garrison, from committee on roads, reported a bill authorizing a new road;

Read a first time.

Mr. Gray, from special committee, reported a bill to divide Tuality district;

Read a first time.

Mr. B. Lee, from special committee, reported a bill creating a new district;

Read a first time, and laid on the table.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The currency bill,

Was read a second time, and referred to committee of the whole.

The bill to amend the act on ardent spirits, Was read a third time, and, on its final passage,

The yeas and nays were called for, and were as follows:—

Yeas—Messrs. Gray, Garrison, Hendrick, H. Lee, B. Lee, McClure, and McCarver—7.

Nays—Messrs. Foisy, Hill, Straight, and Speaker—4.

So the bill passed.

On motion,

The house went into committee of the whole,

Mr. McCarver in the chair.

Committee rose, and reported that,

The currency bill had been considered, and, all after the enacting clause, rejected, and asked leave to sit again;

Leave was granted.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At two o'clock, the house met; and,

There not being a quorum present,

Adjourned fifteen minutes.

The house met pursuant to adjournment.

Mr. J. W. Smith, from Tuality, appeared, was qualified, and took his seat.

The memorial to congress,

Was read a second time, and referred to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. McCarver in the chair.

The chairman called W. H. Gray to the chair.

The committee rose, and

The chairman reported:—

The memorial had been considered, and rejected;

And the committee had requested that—

Mr. Garrison be appointed chairman of another committee to draft another memorial;

The report was accepted, and the committee appointed, as follows:—Messrs. Garrison, Hendrick, McClure, Straight, and McCarver.

The chairman also reported, that a had adopted

A currency bill.

Report was accepted.

On motion,

The house adjourned to 9 o'clock, on Monday morning.

MONDAY, Dec. 8, 1845.

At nine o'clock the house met.

Mr. Garrison introduced the following resolution:—

Resolved—That when the house adjourn, on Thursday next, it adjourn *sine die*;

Which resolution was lost.

On motion of H. Lee,

Resolved—That the secretary be required to ascertain the terms upon which the printing of such of the laws of Oregon, as may be necessary, can be obtained, and report to the house as early as practicable;

Which was adopted.

On motion of Mr. B. Lee,

Resolved—That the house now reconsider the vote on the final passage of a bill on ardent spirits;

On which,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Hendrick, Hill, B. Lee, Smith, Straight, and Speaker—6.

Nays—Messrs. Foisy, Gray, Garrison, H. Lee, McCarver, and McClure—6.

So the motion was lost.

Pursuant to notice,

Mr. McCarver, on leave of the house, introduced a bill to test, by vote, the propriety of dividing Tuality district;

Which was read a first time.

The house proceeded to the

ORDERS OF THE DAY.

The bill on currency,

Was amended, by way of rider;

Read a third time,

And, all after the enacting clause, was recommitted to committee of the whole.

The bill to open a public road from Multnomah City, in Tuality district to Mary's River, in Yamhill district;

Read a second time, and referred to committee of the whole.

On motion,

The house went into committee of the whole,

On the currency bill,

Mr. B. Lee in the chair.

On motion,

The committee rose, and

The chairman reported progress, and asked leave to sit again.

The report was accepted, and leave given.

The house adjourned to 6 o'clock, this evening.

At six o'clock the house met.

Mr. H. Lee gave notice that, on to-morrow, he would ask leave to introduce a bill to provide for the election of district treasurer;

And other bills to amend several acts in relation to assessing, and collecting the revenue, &c.

On motion,

The house went into committee of the whole,

Mr. B. Lee in the chair.

The committee rose, and

The chairman reported that the committee had considered, and adopted,

The currency bill;

Also, the bill authorising a road from Multnomah City to Mary's River.

The report was accepted.

The house adjourned to 9 o'clock to-morrow.

TUESDAY, Dec. 9, 1845.

At nine o'clock the house met.

The roll being called,

Mr. McCarver was absent;

And the serjeant-at-arms was ordered to require his attendance, immediately;

Which vote was,

On motion,

Reconsidered.

Mr. B. Lee, from committee on seat of government, reported several propositions, in reference to that subject;

Report was accepted, and referred to committee of the whole.

Mr. Garrison, from committee to memorialize congress, reported unfavorably,

And asked that the committee be discharged;

Report was accepted, and

Committee discharged.

Mr. Gray, from committee to address the people of the United States, reported;

Which report was received, and read a first time.

Mr. H. Lee introduced the several bills of which he gave notice, on yesterday; to wit:—

A bill to elect district treasurers;

A bill in relation to assessing, &c.;

A bill in relation to collecting revenue, &c.;

A bill in relation to presidents of courts;

A bill in relation to oaths; and

A bill on marriages;

All of which were read a first time.

The secretary made a report to the house, in relation to the terms of printing, &c.;

Report was received.

On motion,

Messrs. Gray, Garrison, and Hendrick, were appointed a committee to wait on the treasurer, obtain his report, and present it to the house.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The bill on currency,

Was recommitted to committee of the whole, this day.

On motion,

The serjeant-at-arms was authorized to require the attendance of Mr. McCarver in the house.

A writ was issued by the house, ordering the arrest of said member.

The bill in relation to division of Tuality district,

Was read a second time, and referred to committee of the whole.

The serjeant-at-arms announced the presence of Mr. McCarver, and returned the writ to the house, when

Mr. McCarver was permitted to make his excuse, for his absence, which

On motion,

Was accepted, and

Mr. McCarver was released from custody, on his paying the expenses incurred, in consequence of such arrest.

On motion of Mr. Smith,

Resolved—That for members to absent themselves from the house, during the hours of session, without notice or leave, is a direct violation of the rules, and a contempt of the house.

On motion,

The house went into committee of the whole,

Mr. Smith in the chair.

The committee rose, and

The chairman reported that the committee had considered and adopted

The bill in relation to currency; also,

The bill in relation to Tuality district, and asked leave to sit again.

Leave was granted.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At two o'clock the house met, and

Went into committee of the whole.

The committee rose, and

The chairman reported that the committee had considered, and rejected,

The bill to divide Tuality district; also

The bill to submit a division of Tuality district to a vote of said district, and had indefinitely postponed it.

Report was accepted.

Mr. Gray gave notice, that on to-morrow, he would ask leave to introduce a bill concerning Tuality district.

Mr. Foisy presented a petition from Mary Morris, for a divorce from her husband.

Referred to a select committe, consisting of Messrs. Foisy, Hill and Smith.

On motion,

The committee was authorized to take evidence in regard to the contents of said petition.

The house adjourned to six o'clock.

At six o'clock the house met.

And went into committee of the whole,

Mr. Straight in the chair.

Committee rose, and

The chairman reported that the committee had considered the report of the committee on the seat of government, and that the committee had adopted the following:—

Resolution—That the committee ask the house to instruct the committee on the seat of government to examine the grounds, and ascertain the comparative value of both the proposition of H. Burns and Robert Moore, and report on the same to the house.

Report was accepted.

On motion,

The house adjourned to 9 o'clock, to-morrow.

WEDNESDAY, DEC. 10, 1845.

At 9 o'clock the house met, and

Adjourned 15 minutes.

Met again,

And the roll being called,

Mr. McCarver was absent.

The second call of the roll being made,

Mr. McCarver was present, and answered to his name.

Mr. Gray presented a petition from A. Husted, and others, for a toll-bridge across Clackamas river.

Received, and referred to select committee, consisting of Messrs. Gray, Hill, and H. Lee.

Mr. Garrison presented a petition from Thos. McKay, for a charter to construct a road from Fort Boise across the Blue, and Cascade Mountains, to the Willamette Valley.

Referred to committee on roads and highways.

Mr. Garrison presented a petition for an act to incorporate the Oregon Institute.

Referred to a select committee, consisting of Messrs. Garrison, Hill, and Gray.

Mr. McCarver, from the committee on judiciary, reported a bill on criminal courts.

Which was read a first time.

The same, from committee on new road into the Willamette Valley, reported in part.

Laid on the table.

Mr. Foisy reported a bill to divorce Mary Morris.

Read a first time.

The rules were suspended, and

The bill read a second time, and

Ordered to be engrossed.

Mr. Gray reported a bill in relation to Tuality District.

Read a first time, and

On the question, shall the bill be read a second time,

The bill was lost.

On motion of Mr. Gray,

Resolved—That the committee on the road across the Blue and Cascade Mountains, be instructed to receive all the testimony possible on all the proposed routes, and

Report bills for charters for the same.

Mr. Gray, from committee to obtain treausurers report, reported said report, and asked to be discharged from further duties.

Report of committee accepted, and

Committee discharged.

The treasurer's report was referred to committee on ways and means.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The bill to regulate the currency, and

The bill to locate a road from Multnomah to Mary's river,

Was read a third time, and passed.

The bill to provide for electing a district treasurer;

The bill in relation to assessors;

The bill to amend former acts, in relation to revenue;

The bill in relation to presidents of district courts;

The bill in relation to oaths;

The bill concerning the solemnizing marriages;

And the memorial to the people of the United States,

Were severally read a second time, and

Referred to committee of the whole.

Adjourned to six o'clock in the evening.

At six o'clock the house met,

And went into committee of the whole,

Mr. McClure in the chair.

The committee rose, and

The chairman reported that they had considered and adopted

The bill to elect district treasurer;

The bill to amend former acts, in relation to revenue;

The bill in relation to assessors;

The bill in relation to presidents of district courts;

The bill in relation to administering oaths;

The bill in relation to solemnizing marriages;

And the address to the people of the United States.

The report was accepted.

Mr. Gray gave notice, that, on to-morrow, he would ask leave to introduce a bill, in relation to the revision and printing of the laws of Oregon.

The house adjourned to 9 o'clock to-morrow morning.

THURSDAY, DEC. 11, 1845.

The house met at nine o'clock,

There not being a quorum in attendance,

The house adjourned 10 minutes.

Upon meeting again,

Mr. Garrison presented a petition from Daniel Waldo and Thos. Jeffries, in relation to the estate of Ewing Young;

Referred to committee on claims.

Mr. Garrison, from special committee, reported a bill to incorporate the Oregon Institute;

Read a first time.

Mr. B. Lee, from committee on seat of government, made a report;

Received, and referred to committee of the whole.

On motion of Mr. Gray,

Resolved—That a committee of three be appointed to wait on the secretary, and ascertain how many of the laws it will be necessary to revise and publish; and that said committee be instructed to report a bill to-morrow.

Messrs. Garrison, Straight, and Gray, were appointed said committee.

The house proceeded to the

ORDERS OF THE DAY.

The bill on criminal courts,

Was read a second time, and referred to committee of the whole.

The bill divorcing Mary Morris,
Was read a third time, and passed;
Also, the bill to elect district treasurer;
Also, the bill in relation to revenue;
Also, the bill in relation to presidents of courts;
Also, the bill concerning oaths; and,
The bill concerning marriages.
The address to the United States,
Was ordered to be read a third time, this evening.
The house adjourned to 6 o'clock.

EVENING SESSION.

At 6 the house met, and

The Speaker called Mr. H. Lee to the chair, and then addressed to the house the following communication:

To the Hon. the House of Representatives.

Gentlemen,—Having received information of my wife being very ill, I am compelled to request of your honorable body, immediate leave of absence; and, by granting this, you will confer a favor upon

Your very humble and obedient servant,

ROBERT NEWELL.

Oregon City, Dec. 11, 1848.

On motion,
Leave of absence was granted.
On motion of Mr. McCarver,
The house proceeded to ballot for speaker, *pro tem.*,
Which resulted in the choice of H. A. G. Lee.

Mr. Gray, by leave, introduced a petition from S. H. L. Meek, for a charter to construct a road,
Referred to committee on roads and highways;
Also, a petition from H. Burns, and others, for a division of Tuality county.
On motion,
To lay the petition on the table,
The yeas and nays were demanded, and were as follows:

Yeas—Messrs. Foisy, Garrison, Hendrick, Hill, McCarver, McClure, Newell, Smith, and Speaker—9.

Nays—Messrs. Gray, B. Lee, and Straight—3.

So the petition was laid on the table.

Mr. Hill, by leave, introduced a bill to provide for the election of an additional justice of the peace, and constable, for Tuality district;

Read a first time.

On motion,

The house went into committee of the whole,

Mr. McCarver in the chair.

Committee rose, and

The chairman reported that the committee had considered,—

The report of committee on seat of government,

and had adopted the following resolution:—

Resolved—That the committee proceed to take the vote, by ballot, upon the two points proposed, and the place for which the greatest number of votes are given shall be the place at which the seat of government shall be located.

The report was accepted, and,

On motion, to postpone the resolution, and report indefinitely,

The yeas and nays were called, and were as follows:—

Yeas—Messrs. Garrison, and Newell—2.

Nays—Messrs. Foisy, Gray, Hendrick, Hill, Speaker, B. Lee, McClure, McCarver, Smith, and Straight—10.

So the motion to postpone was lost, and,

On motion,

The resolution and report,

Were laid on the table till Monday.

The house adjourned to 9 o'clock, to-morrow morning.

FRIDAY, Dec. 12, 1845.

At 9 o'clock the house met.

Mr. Garrison, from committee on roads, reported a bill to authorize Thos. McKay to open a road to the Willamette Valley;

Read a first time.

Mr. Garrison also reported unfavorably on the petition of S. H. L. Meek;

Report accepted and laid on the table.

Mr. McCarver, from special committee, reported a bill to authorize Samuel K. Barlow to open a road across the Cascade Mountains;

Read a first time.

Mr. Gray, from special committee, reported a bill to construct a toll-bridge across the Clackamas river, &c.;

Read a first time.

Mr. Garrison, from committee on revision and printing, reported a Bill;

Read a first time.

The house proceeded to the

ORDERS OF THE DAY.

The address to the people of the United States,

Was laid on the table till this evening.

The bill concerning an additional justice, and constable, in Tuality district,

Was read a second time, and referred to committee of the whole.

Also, the bill to incorporate the Oregon Institute.

On motion,

The house went into committee of the whole,

H. Lee in the chair,

The committee rose, and

The chairman reported that the committee had considered:—

The bill in relation to justice, and constable, in Tuality district;

The bill to incorporate the Oregon Institute, which name had been changed to Chemekata Institute;

Which were adopted;

Also, that, on considering the bill to amend an act on criminal courts, the committee had

Resolved—That the house be requested to recommit said bill to committee on judiciary, for the purpose of obtaining the opinion of the supreme judge on said bill.

The house adjourned to 2 o'clock, P.M., of this day.

At two o'clock the house met, and

The Speaker informed the house that he had communications from the supreme judge, which he had been requested to present to the house.

Said communications were read, and referred to committee on judiciary.

On motion,

The house adjourned to 6 o'clock this evening.

At 6 o'clock the house met.

Mr. McCarver, from judiciary committee, reported back the communications from the supreme judge, Which were then referred to select committee of five, consisting of Messrs. Gray, Hendrick, Garrison, McClure, and McCarver.

The house went into committee of the whole,

Mr. Smith in the chair.

Committee rose, and

The chairman reported that the committee had considered the bill to incorporate the Chemekata Institute, and requested the house to refer the bill back to the committee which introduced it, with instructions;

Report was accepted.

The bill was recommitted, and the committee instructed to bring in a new bill.

The address to the people of the United States,

Was read a third time, and laid on the table.

Mr. Gray gave notice that, on to-morrow, he would ask leave to introduce a bill on common schools.

The house adjourned to 10 o'clock, to-morrow.

SATURDAY, Dec. 13, 1845.

At 10 o'clock the house met.

The sergeant-at-arms announced a message from the governor, approving of several acts.

Mr. McCarver, from judiciary, reported back the bill on criminal courts, with amendments;

Read a first time.

Mr. Gray, from committee on ways and means, reported a bill on taxes;

Read a first time.

Mr. McClure, from committee on districts, reported a bill on lines of districts;

Read a first time.

Mr. Gray, from special committee, reported a bill, confirming the appointment of J. E. Long, clerk of supreme and criminal courts of Oregon;

Read a first time.

Mr. Garrison, from special committee, reported unfavorably on the incorporation of Chemekata Institute, and asked for the discharge of the committee;

Report was accepted, and

Committee discharged.

Mr. Gray reported a bill on common schools in Oregon;

Which was read a first time.

The house proceeded to the

ORDERS OF THE DAY.

The bill in relation to eastern precinct of Tuality,

Was read a third time, and passed;

The bill to authorize Thos. McKay, to open a road, &c.

The bill to authorize Samuel K. Barlow to open a road, &c.;

The bill to provide for the revision and printing of the laws; and

The bill incorporating the Clackamas bridge Company;

Were severally read a second time, and referred to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. McClure in the chair.

The committee rose, reported progress, and asked leave to sit again.

Leave was granted.

The house adjourned to 2 o'clock of this day.

At 2 o'clock the house met.

Mr. Hill presented a petition from S. H. L. Meek, praying permission to open a road, &c.;

Referred to committee on roads, &c.

The house went into committee of the whole,

Mr. McClure in the chair.

Committee rose, and reported that

The bill authorizing Thos. McKay to open a road,

Had been considered; and

The committee requested the house to recommit the bill to the committee that introduced it, with instructions to amend;

Also, the bill authorizing Samuel K. Barlow to open a road, &c.; and

The committee request the house to recommit the bill to committee that introduced it.

Report was accepted; and

The bills recommitted, with instructions to bring in new bills on Monday.

On motion,

Mr. Barlow was allowed to address the house, on the subject of opening a road across the Cascade Mountains.

Mr. Foisy gave notice that, on Monday, he would ask leave to introduce a bill concerning Sandwich Islanders.

The house adjourned to 9 o'clock on Monday morning.

MONDAY, DEC. 15, 1845.

At 9 o'clock the house met.

The roll being called,

Mr. McCarver was absent, and,

The roll being again called, and,

Mr. McCarver being still absent,

The sergeant-at-arms was directed to require his attendance in the house.

Mr. Gray presented a petition from 60 signers, praying that the final action on the seat of government be deferred.

Referred to committee on seat of government.

Mr. B. Lee presented a petition from Edward Burroughs, for a divorce from his wife;

Referred to select committee, consisting of Messrs. B. Lee, Garrison, and Hendrick.

The sergeant-at-arms announced the presence of Mr. McCarver, who was permitted to make his excuse for his absence,

Which excuse was accepted, and he released from paying the fine.

Mr. Hill, from committee on military affairs, reported a bill to amend the militia law;

Read a first time.

Mr. Garrison, from committee on roads, reported a bill to authorize Thos. McKay to open a road;

Read a first time.

Mr. Garrison, from same committee, reported unfavorably on the petition of S. H. L. Meek;

Report referred to select committee, consisting of Messrs. Smith, B. Lee, and Straight.

Mr. Gray presented a communication from the Oregon printing association;

Referred to committee of the whole.

Mr. Foisy presented a bill in relation to Sandwich Islanders;

Read a first time.

Mr. McClure offered a resolution, in relation to launch boat at the mouth of Columbia river,

Which was received, and ordered to take the course of a bill.

Mr. Gray introduced a bill to amend the former acts, in relation to territorial treasurer;

Which was read a first time.

The house proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Garrison, to indefinitely postpone the report of the committee on the seat of government,

The yeas and nays were called, and were as follows:

Yeas—Messrs. Gray, Garrison, McCarver, Straight, and Speaker—5.

Nays—Messrs. Foisy, Hendrick Hill, B. Lee, McClure, and Smith—6.

So the report was not postponed.

On motion,

Resolved—That the house now proceed to ballot for the point at which to locate the seat of government, and the point receiving the greatest number of votes shall be entitled to the further consideration of the house;

When the vote was in favor of H. Burns' proposition.

On motion,

The subject of locating the seat of government was laid on the table till the 4th July next, by yeas and nays, as follows:—

Yeas—Messrs. Gray, Garrison, Hendrick, McCarver, Straight, and Speaker—6.

Nays—Messrs. Foisy, Hill, B. Lee, McClure, and Smith—5.

On motion,

The proposals in regard to seat of government,

Were allowed to be withdrawn.

Mr. Garrison tendered his resignation to the house,

Which was laid upon the table, and,

On further motion,

He was allowed to withdraw his resignation.

The bill defining the boundaries of districts,

Was laid upon the table.

The bill to amend the act on criminal courts,

Was read a second time, and referred to committee of the whole.

Also, the bill supplementary to revenue bill.

The bill confirming the appointment of J. E. Long, clerk of courts,

Was read a second time and ordered to be engrossed.

The bill on common schools,

Was read a second time; and

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At 2 o'clock the house met.

The bill in relation to common schools being under consideration,

Mr. Gray had leave to withdraw the bill.

Mr. McCarver presented

A bill in relation to seat of government;

Also, a bill concerning a road across the Cascade Mountains;

The first was read a first time;

The second was read a first time;

And, the rules being suspended,

Was read a second time, and referred to committee of the whole;

Also, the bill authorizing Thomas McKay to open a road.

The house went into committee of the whole,

Mr. Straight in the chair.

The committee rose and reported that the bill to charter the Clackamas bridge company,

Had been considered and adopted;

Also, the bill to authorize the revision and printing the laws; that

The communication of the printing association,

Had been reported back to the house, with a request that the house refer it to a select committee; that

The bill to amend the criminal court law,

Had been adopted;

Also, the bill supplementary to an act on revenue;

Also, the bill to authorize Thos. McKay to open a road; that

The bill authorizing Sam. K. Barlow to open a road,

Was not adopted.

Report of committee was accepted.

Mr. Hill gave notice that, on to-morrow, he would introduce

A bill in relation to Treasurer.

Mr. McClure gave notice that, on to-morrow, he would introduce

A bill to provide for post-offices, and post roads, in Oregon.

Mr. Hendrick, on leave, presented a petition for the division of Yamhill district;

Referred to committee on districts;

Also, a petition concerning land claims;

Referred to committee on land claims.

Mr. Gray presented a petition from John McLoughlin;

Referred to committee on roads, &c.

The house adjourned to 9 o'clock, to-morrow morning.

TUESDAY, Dec. 16, 1845.

At 9 o'clock the house met.

Mr. Hill introduced a bill in relation to treasurer;

Read a first time.

Mr. Gray introduced a bill in relation to supreme court;

Read a first time.

Mr. McClure introduced a bill in relation to post-offices, and post-roads;

Read a first time.

Mr. Lee, from select committee, reported a bill to divorce Edwd. Burroughs;

Read a first time.

On motion of Mr. Foisy,

Resolved—That this house adjourn, on Saturday, *sine die.*

Mr. Garrison, on leave, introduced a bill extending the time to John McLoughlin, to complete a canal at Willamette Falls;

Read a first time.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The bill supplementary to revenue act,

Was laid on the table till to-morrow;

The bill in relation to criminal courts,

Was read a third time, and passed.

The bill concerning printing laws,

Was recommitted to committee of the whole.

The bill incorporating Clackamas bridge company,

Was read a third time, and passed;

Also, the bill authorizing Thos. McKay to open a road.

The house adjourned to 6 o'clock.

At 6 o'clock the house met.

Mr. McCarver tendered his resignation to the house, which,

On motion,

Was accepted.

Mr. McClure, from committee on districts, reported a bill, making a new district in Yamhill;

Read a first time.

Mr. Gray introduced a bill in relation to common schools;

Read a first time.

The committee on districts were instructed to bring in a bill to organize a new county, south of the Yamhill district.

Mr. Foisy introduced a bill on apportionment;

Read a first time.

The bill to amend the act in relation to treasurer,

Was read a second time and ordered to be engrossed.

The bill in relation to seat of government,

Was read a second time, and referred to committee of the whole, for to-morrow.

The bill on military affairs,

Was read a second time, and referred to committee of the whole;

Also, the bill in relation to Sandwich Islanders.

The resolution of Mr. McClure,

Was read a second time, and referred to select committee, consisting of Messrs. McClure, Gray, and Smith,

With instructions to report a bill.

The house went into committee of the whole,

Mr. Smith in the chair.

The committee rose, and reported that the bill to authorize Sam. K Barlow to open a road across the Cascade Mountains,

Had been considered and adopted;

Also, a bill to revise and print the laws of Oregon,

Which had not been adopted,

And asked leave to sit again.

Report was accepted, and leave granted.

The house adjourned to 9 o'clock, to-morrow.

WEDNESDAY, Dec. 17, 1845.

At 9 o'clock the house met.

Mr. Garrison presented a petition from Champoeg district, praying that the action on seat of government be deferred;

Referred to committee on seat of government.

Mr. Lee, from committee on Ewing Young's estate, reported in relation to claims of Daniel Waldo and Thos. Jeffries thereon;

Referred to committee of the whole.

Mr. McClure, from special committee, reported a bill in relation to the launch boat, at the mouth of Columbia river;

Read a first time.

Mr. Smith, from special committee, reported a bill authorizing S. H. L. Meek to open a road, &c.;

Read a first time.

Mr. Lee gave notice that, on to-morrow, he would introduce a bill to relieve A. L. Lovejoy from the duties of administrator of Ewing Young's estate.

Mr. McClure introduced a bill to organize a new district south of Yamhill;

Read a first time; and

The rules being suspended,

The bill was read a second time, and referred to committee of the whole.

The bill defining boundaries,

Was called up, and referred to committee of the whole.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The act confirming the appointment of clerk of supreme and criminal courts,

Was read a third time, and passed;

Also, the bill to amend an act concerning treasurer.

The bill to amend an act in relation to time of holding office of treasurer,

Was read a second time, and referred to committee of the whole.

The bill on apportionment;

The bill on common schools;

The bill in relation to supreme court act;

The bill for the relief of John McLoughlin; and

The bill to divorce Edward Burroughs;

Were severally read a second time, and referred to committee of the whole.

The bill to amend the revenue act, &c.,

Was read a third time, and passed.

The bill to establish post-offices, and post-roads, &c.,

Was read a second time, and referred to committee of the whole.

The bill authorizing Samuel K. Barlow to construct a road across the Cascade Mountains,

Was read a third time, and, on its final passage,

The yeas and nays were taken, as follows:—

Yeas—Messrs. Foisy, Garrison, Hendrick, Hill, Lee, Smith, Straight, and Speaker—8.

Nays—Messrs. Gray and McClure—2.

So the bill passed.

The house went into committee of the whole,

Mr. Hill in the chair.

The committee rose, and reported, that

The bill for revising and printing the laws;

Had been considered and adopted;

Also, the bill to create a new district south of Yamhill,

Which was laid upon the table.

Report was accepted.

Adjourned to 2 o'clock, P.M.

At two o'clock the house met, and

Went into committee of the whole,

Mr. B. Lee in the chair.

Committee rose and reported that they had considered:—

The bill defining boundaries of districts;

The bill to locate the seat of government;

The bill in relation to Sandwich Islanders;

The bill to amend the treasury act;

The bill to amend supreme court act;

The bill to divorce Edward Burroughs;

The bill to relieve John McLoughlin;

The bill to create post offices, &c.; and

The bill on the militia;

And had adopted them severally.

The bill on apportionment;

The report of committee on Ewing Young's estate; and the bill on common schools,

Were laid on the table.

The report was accepted.

Mr. Hill gave notice that, on to-morrow, he would ask leave to introduce a bill to change the name of Vancouver district.

Mr. Lee introduced a bill concerning the estate of Ewing Young; Read a first time.

The bill on revising and printing laws,

Was read a third time; and,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Foisy, Garrison, Hendrick, Hill, Lee, McClure, Smith, Straight, and Speaker—9.

Nay—Mr. Gray—1.

So the bill passed.

The house adjourned to 9 o'clock, to-morrow.

THURSDAY, Dec. 18, 1845.

At 9 o'clock the house met.

Mr. Hill presented a petition that the name of Vancouver district be changed to that of Clark;

Also, that said district might be divided;

Referred to select committee, consisting of Messrs. Hill, Smith, and Garrison.

Mr. Lee, from committee on land claims, introduced a bill proposing an amendment to the organic law;

Read a first time.

The rules were suspended, to allow the bill to be read twice on the same day,

And second time, and ordered to be engrossed.

Mr. Gray introduced a bill, from committee on ways and means, on appropriations;

Read first and second times, and ordered to be engrossed.

Mr. Lee, from special committee, reported a bill to change the name of "Robin's Nest," to that of "Linn City;"

Read first and second times, and ordered to be engrossed.

Mr. Hill introduced a bill to change the name of Vancouver district to "Clark;"

Read first and second times and referred to committee of the whole.

Mr. Lee introduced a bill in relation to names of counties;

Read first and second times, and ordered to be engrosed.

The house proceeded to the

ORDERS OF THE DAY.

The bill in relation to supreme court,

Was read a third time, and passed.

The bill to relieve John McLoughlin,

Was, on leave, withdrawn.

The bill defining lines of districts,

Was read a third time, and passed;

Also, the bill in relation to seat of government.

The bill to tax Sandwich Islanders,

Was read a third time, and indefinitely postponed.

The bill in relation to treasurer,

Was read a third time, and lost, by the following vote:—

Yeas—Messrs. Foisy, Hendrick, Hill, and Straight—4.

Nays—Messrs. Gray, Garrison, Lee, McClure, Smith, and Speaker—6.

The bill to divorce Edward Burroughs,

Was read a third time, and passed;

Also, the bill concerning post-offices, &c.

The bill to authorize S. H. L. Meek to open a road,

Was read a second time, and ordered to be engrossed;

Also, the bill concerning launch boat;

Also, the bill concerning Ewing Young's estate.

Mr. Gray presented a petition in relation to common schools;

Laid upon the table.

The house adjourned to 2 o'clock.

At 2 o'clock the house met.

Mr. Hill, on leave, introduced a bill to organize Lewis county;

Read first and second times, and referred to committee of the whole.

The house went into committee of the whole.

Committee rose, and reported the bill in favor of S. H. L. Meek;

Laid on the table.

The bill to change the name of Vancouver district,

Was adopted;

Also, a bill to organize a district south of Yamhill.

The bill to organize Lewis county,—

Was laid upon the table.

The bill relating to schools,

Was adopted.

The report was accepted.

House adjourned to 10 o'clock to-morrow.

FRIDAY, Dec. 19, 1845.

At ten o'clock the house met.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The bill to change the name of Vancouver district,

Was postponed, indefinitely, by the following yeas and nays:—

Yeas—Messrs. Gray, Garrison, Lee, McClure, Smith, and Speaker—6.

Nays—Messrs. Foisy, Hendrick, Hill, and Straight—4.

The bill to create a district, south of Yamhill,

Was read a third time, and passed;

Also, the bill in relation to launch-boat.

The bill in relation to the estate of Ewing Young,

Was lost, by the following yeas and nays:—

Yea—Mr. Smith—1.

Nays—Messrs. Gray, Garrison, Hendrick, Hill, McClure, Straight, and Speaker—7.

On motion,
Adjourned to 2 o'clock.

AFTERNOON SESSION.

At 2 o'clock the house met.
The bill in relation to names of districts,
Was read a third time, and passed;
Also, the bill to amend the organic law,
By yeas and nays, as follows:—

Yeas—Messrs. Foisy, Garrison, Hendrick, Hill, Lee, Smith, Straight, McClure, and Speaker—9.

Nay—Mr. Gray—1.

The bill to change the name of Robin's Nest,
Was read a third time, and passed.
The bill in relation to public schools,
Was lost.
The appropriation bill,
Was read a third time and passed.
The house went into committee of the whole.
Committee rose, and reported that they had adopted:—.
The bill to create Lewis county;
Also, the bill on apportionment.
Report was accepted.
The bill to create Lewis county,
Was read a third time and passed.
The house proceeded to the election of officers, as follows;—

Fred. Prigg was elected district judge for Clackamas district, for three years;

C. E. Picket, for two years; and

S. White, for one year.

W. H. Wilson's appointment, as president of Champoeg district, was confirmed.

Wm. P. Hughes was elected sheriff for Champoeg district.

Mr. Golding was elected district judge for Clatsop, for one year.

On motion,

Resolved—That the district judges for the newly created counties, shall be elected by the people, at the next annual election, A.D. 1846.

The governor was re-elected superintendent of Indian affairs.

Wm. G. T'Vault was elected post-master-general.

On motion,

Resolved—That one of the principal objects contemplated in the formation of the government, was the promotion and prosperity of peace and happiness among ourselves, and the friendly relations which have, and ever ought to exist between the people of the United States and Great Britain; and any measure of this house calculated to defeat the same, is in direct violation of the true intention for which it was formed.

On motion,

The house adjourned *sine die.*

(Signed) **H. A. G. LEE**, *Speaker, pro tem.*
Attest.
J. E. LONG, *Clerk.*

JOURNAL

Of the House of Representatives, 1846.

Oregon City, Tuesday, Dec. 1, 1846.

In pursuance of the provisions of the organic law, the members of the house of representatives met at the city hotel, in Oregon City.

The house being called to order by Mr. Newell,

On motion of Mr. Newell,

W. G. T'Vault was called to the chair.

On motion of Mr. Lovejoy,

Mr. N. H. Huber was appointed clerk, *pro. tem*.

On motion of Mr. Lovejoy,

The calling of the roll, and presenting of credentials,

Were dispensed with for the present.

On motion of Mr. Hall,

A committee of five was appointed to procure a suitable room, in which to hold the present session.

Messrs. Meek, Newell, Hall, Tolmie, and Straight, were appointed said committee.

Mr. Hall moved, that when the house adjourn, it adjourn to meet to-morrow, at 10 o'clock, to receive the report of the committee, and to organize by the election of speaker, and other officers.

The motion was carried.

On motion of Mr. Lovejoy,

The house adjourned.

WEDNESDAY, DEC. 2, 1846.

At 10 o'clock the house met.

Mr. Hall moved, that the clerk *pro tem*. proceed to call the roll of members, as per list furnished by the secretary of the territory, and that the members be sworn;

Which motion being carried,

The clerk proceeded to call the roll, when the following members answered to their names, to whom the oath was administered according to law; to wit:—

Clackamas county—Hiram Straight, A. L. Lovejoy, W. G. T'Vault.

Tuality county—A. L. Meek, D. H. Lownsdale, Lawrence Hall.

Yamhill county—Absolom J. Hembree.

Clatsop county—Geo. Summers.

Vancouver county—Henry N. Peers.

Lewis county—W. F. Tolmie.

Champoeg county—Angus McDonald, A. Chamberlain, Jesse Looney, Robert Newell.

On motion of Mr. Meek,

The house proceeded to the election of speaker.

The chair appointed as tellers, Messrs. Meek and Summers.

On motion of Mr. Newell,

The house resolved to elect by ballot.

Messrs. Lovejoy, Meek, and Hall, were nominated by members of the house as candidates.

The first ballot was taken, and resulted as follows:—

A. L. Lovejoy received eight votes;

J. L. Meek received four votes; and

L. Hall received one vote.

Mr. Lovejoy, having received a majority of all the votes cast, was declared duly elected speaker of the house, for the present session.

Messrs. Lownsdale and Tolmie were appointed a committee to wait on Mr. Lovejoy to the chair;

Whereupon, having taken the chair, the oath of office was administered to him.

On motion of Mr. Hall,

The house proceeded to the election of clerk;

Messrs. Meek and Summers acting as tellers.

The vote resulted in the choice of N. Huber, who received twelve votes, to two votes given for G. L. Curry.

The clerk was then duly sworn.

Mr. Newell moved, that a committee of three be appointed to report rules for the government of the house; and that the rules of last session be adopted till the committee report.

Carried.

Messrs. Newell, Hall, and T'Vault, were appointed said committee.

Mr. Meek, from committee to provide a room, reported as follows:—

Mr. Speaker,—The committee appointed to procure a room for the use of the legislature, beg leave to report that they have discharged their duty by examining a room proposed by Mr. Knighton, at two dollars per day, and one proposed by Mr. Card, at per day. Taking everything into consideration, we recommend the former.

The report of the committee was accepted, and committee discharged.

On motion of Mr. Meek,

A committee of three was appointed to procure stationery for the use of the house.

Messrs. Meek, Newell, and Straight, were appointed said committee.

Mr. T'Vault offered the following resolution,

Which was adopted:—

Resolved—That a committee of two be appointed to wait on His Excellency Governor Abernethy, and inform him that the house of representatives has met, and organized, by electing A. L. Lovejoy, speaker; and N. Huber, clerk; and are now ready to proceed to legislative business, and to receive any communication he may have to make, and to ascertain when it will suit him to make said communication.

The Speaker appointed Messrs. T'Vault and Tolmie said committee.

Mr. T'Vault offered the following resolution,

Which was adopted:—

Resolved—That the editor of the *Oregon Spectator* be allowed a seat at the clerk's table, for the purpose of reporting the proceedings of the present legislature.

On motion of Mr. Meek,

The committee appointed to wait on the governor be required to report at 2 o'clock, this day.

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At 2 o'clock the house met.

Mr. T'Vault, from committee to wait on the governor, made a report,

Which was accepted, and

Committee discharged.

Mr. Newell, from committee to procure stationery, reported;

Accepted, and

The committee discharged.

Mr. T'Vault offered the following resolution:—

Resolved—That the acts done by the house before organization, be hereby legalized,

Which was adopted.

Mr. Newell moved to elect a sergeant-at-arms,

Which was agreed to.

On motion of Mr. Hall,

The vote to elect a sergeant-at-arms,

Was reconsidered, and

Mr. Hall then moved to elect a sergeant-at-arms, who shall also perform the duties of door-keeper and messenger;

Which was adopted.

The chairman appointed Mr. McDonald and Mr. Hembree to act as tellers.

The first ballot being had, the result was as follows:—

H. M. Knighton had ten votes, and

R. K. Payne had two votes.

Mr. Knighton, having received a majority of all the votes, was declared duly elected serjeant-at-arms.

On motion of Mr. Newell,

A committee of one was appointed to wait on Mr. Knighton, and inform him of his election;

Mr. Newell was appointed said committee.

The committee appointed to wait on Mr. Knighton, made report, and was discharged.

The oath of office was then administered to Mr. Knighton.

On motion of Mr. Hall,

The sergeant-at-arms was required to furnish fuel for the use of the house during the present session.

On motion of Mr. Meek,

The report of the committee to procure a room,

Was taken up.

On motion of Mr. Hall,

The proposition of Mr. Knighton to furnish a room,

Was accepted.

Mr. T'Vault offered the following resolution,

Which was adopted:—

Resolved—That a committee of three be appointed, to ascertain upon what terms printing can be done, for the use of the present legislature; and that they report the same at the earliest day practicable.

Messrs. T'Vault, Hall, and McDonald, were appointed said committee.

On motion of Mr. Hall,

Mr. Newell was added to the committee.

The Speaker announced a communication from the governor.

The reading of the communication was called for, when

Mr. Newell moved, that the secretary of the territory read the said communication.

The Speaker decided the motion out of order; whereupon,

Mr. Newell appealed from the decision of the chair.

The house sustained the decision of the speaker.

Mr. Newell moved that the rules be suspended.

Mr. T'Vault demanded the yeas and nays, which were as follows:—

Ayes—Messrs. Chamberlain, Looney, McDonald, Newell, Peers, Straight, and Tolmie—7.

Nays—Messrs. Hall, Hembree, Lownsdale, Meek, Summers, T'Vault, and Mr. Speaker—7.

So the rules were not suspended.

The communication from the governor was then read, as follows:—

To the Hon. the Legislative Assembly of Oregon.

FELLOW CITIZENS,—

The duty of addressing you at the opening of your session, again presents itself.

The duty of legislating, for the welfare and happiness of the community, again devolves on you.

May we be guided and directed by that wisdom which never errs.

The boundary question—a question of great importance to us as a people—there is every reason to believe, is finally settled. The following is an extract from the *Polynesian*, a paper published at the Sandwich Islands, of the 29th August last:—

"The senate ratified the treaty upon the Oregon question, by a vote of 41 to 14."

This the *Polynesian* credits to the *New York Gazette*, and *Times*, of the 19th of June; shewing that a treaty had been entered into, and probably concluded, between the two governments. The provisions of the treaty are not yet known to us, in Oregon, farther than what we can gather from the letter of Mr. Geo. Seymour, the British commander-in-chief in the Pacific, to the agent of the Hudson's Bay company, at the Sandwich Islands, being an extract of a private letter from A. Forbes, Esq., consul at Tepie, to Geo. Seymour:—

"I send you an American newspaper, which Mr. Bankhead has requested may be forwarded to you, and which shews that the Oregon question is entirely settled; the 49th degree is to run on to the Straits of Fuca; the whole Island of Vancouver being left in the possession of England; and the said Straits of Fuca, Puget's Sound, &c., remaining free to both parties. The Columbia River is also to remain free to both parties, until the expiration of the charter of the Hudson's Bay company, when the whole to the south of the 49th degree, is to belong to America, with the exceptions mentioned."

Should this information prove correct, we may shortly expect officers from the United States government, to take formal possession of Oregon, and extend over us the protection we have long and anxiously looked for.

The notice that the joint occupation of Oregon would cease, after twelve months, was given, by the president of the United States, to the government of Great Britain.

The president, in his message of 1845, before the notice was given, speaking of Oregon, says:—

"It will become proper for congress to determine what legislation they can, in the mean time, adopt, without violating the convention. Beyond all question, the protection of our laws and jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon."

As yet, we have not been made acquainted with any action of congress, that would extend the jurisdiction of the United States over us, but from the feeling which prevailed in congress, with regard to this country, and the sentiments set forth by the president, previous to the notice being given, there can be no doubt that, now the notice being given, the boundary line is, in all probability, finally settled.

We shall, in a few months at farthest, be again living under, and enjoying the protection of, the stripes and stars of our loved country, and, ere long, we may reasonably hope, be added to the brilliant constellation. In view of the above, and as the preamble to the organic law sets forth the fact that, "we agree to adopt the laws and regulations of our provisional government, until such time as the United States of America extend their jurisdiction over us," and, as that time is probably near at hand, it remains with you to determine whether it will be better, after confirming the appointments, filling the vacancies, making the necessary appropriations, and attending to the unavoidable business of the session, to adjourn, either to meet in the spring, at which time we shall, undoubtedly, have all the proceedings of congress, relative to this country, passed at the last session, or at the call of the executive, should he be put in possession of the intention of the United States respecting us; or, whether you will go on with the regular business of the session, as if nothing were done for us, or expected by us. In the latter case, there are laws that need revising, and some laws that are very necessary for the welfare of the territory, should be passed.

The law establishing the post-office department needs altering, very materially. It was found, after being in operation but a very short time, that the rates of postage were altogether too high, amounting, indeed, to a prohibition. Very few letters passed through the office; the revenue arose almost entirely from the postage on newspapers, but fell so far short of the expenses, that the post-master-general, at the close of the third quarter, stopped sending the mails. I would recommend that the rates of postage be reduced to five cents on each single letter, double letters and packages in proportion, and one cent on each newspaper. A mail route should be kept up between the principal sections of the territory; and I have no doubt, if the postage is reduced, the revenue, arising from the receipts of the office, will nearly or quite pay the expenses.

The act passed at the last session of the legislature, entitled "An act to prevent the introduction, sale, and distillation of ardent spirits in Oregon," is one I should recommend for revision; there are several points that are thought to be defective. The organic law provides that the legislature shall have power to pass laws to regulate the introduction, manufacture, or sale of ardent spirits. It is held that the power to prohibit the introduction, manufacture, or sale is not granted by the organic law. Another objection is that the fines collected under the act shall go, one half to the informant and witnesses, and the other half to the officers engaged in arresting and trying; in fact, making the witnesses and judges interested in the case. The 4th section makes it the duty of any officer, or any private citizen, to act whenever it shall come to their knowledge, that any kind of spirituous liquors are being distilled, or manufactured, in Oregon. It would be much better if it were made the duty of the sheriff of each county to act, whenever he should be informed that any liquor was being made or sold in his county, and authorize him to raise a sufficient *posse* to aid and assist him in enforcing the law. We have, as a community, taken a high stand in the cause of temperance; among our earliest efforts may be found the abolishing of ardent spirits from our land, and to this, in a great measure, may be attributed our peace and prosperity. No new country can be pointed out where so much harmony prevailed in its first settlement as in this—laws, we had none, yet all things went on quietly and prosperously. I have no doubt if ardent spirits are kept within their proper bounds, we shall continue prosperous.

It is said by some, we have no right to say what a man shall make, or what he shall not make; yet, we find, in all large cities, certain manufactories are forbidden to be carried on within the limits of the city, because they annoy the inhabitants, and hence are declared to be public nuisances, and by law are compelled to be removed; and, if the city increase and extend to the place where they are re-located, they are removed again. Intoxicating drink is an enormous public injury, and private wrong; its effects, in every way, shape, and form, are evil, and therefore should be restrained within proper limits by law. It deprives the wife and childen of the inebriate—of the support and protection they have a right to expect from him; it deprives community of the labor which constitutes a nation's wealth, for it is a well-known fact that a nation's wealth is made up of individual labor, and every day, therefore, lost by the laborer, caused by the effects of alcoholic drink, is a loss to the community at large. Persons, who have become habitually addicted to ardent spirits, hearing that we had excluded the poison from our land, and, believing they never could be free if they remained near its influence, have left their homes, and crossed the Rocky Mountains to escape the ruin that threatened them. Shall *they* be disappointed? During the last year, persons, taking advantage of the defect in our law, have manufactured and sold ardent spirits. We have seen the effects (although the manufacture was on a small scale) in the midnight carousals among the Indians in our neighbourhood, during their fishing season, and while they had property to dispose of; and, let me ask, what would be the consequences if the use of it should be general in the country, and among the different tribes of Indians in the territory? History may, hereafter, write the page in letters of blood! And, what are the consequences, as presented to us in the history of older countries, of an indiscriminate use of ardent spirits? Almshouses, hospitals, prisons, and the gallows. I would, therefore, recommend that but one person, and that person a physician, be authorized to import, or manufacture, a sufficient quantity to supply the wants of the community for medicinal purposes; to dispose of no liquor, except when he knows it to be necessary, or on an order from a regular physician, stating that the person applying stands in need of it, for medicinal purposes, and to physicians to be used in their practice. The person so empowered to import, manufacture, and sell, to keep a record of the quantity manufactured, or imported; also, a record of the quantity sold, or disposed of, and to whom, and name of physician, on whose certificate given. This would be attended with but little trouble, and might be required to be given under oath. Many articles require alcohol to dissolve them; this could be done by taking the article to the person appointed, and having the alcohol put into the ingredients in his presence. Section 5th, I would recommend to be altered, so that the fines should go one half to the informer, and the other half into the treasury. I would recommend that the penalties be increased. If the indiscriminate sale of liquor be admitted an evil, no good citizen can wish to be engaged in it. Why should the majority suffer to benefit a few individuals?

I have said more on this subject than I should have done, did I not fear an attempt will be made to break down the barriers raised by the early settlers of this land. Much of our prosperity and happiness as a community depend upon your action in this matter.

There will be several proposals laid before you, in regard to locating the seat of government; but, under the present aspect of affairs, I think it best to postpone the subject for the present.

A subject of great importance to us, as a people, presents itself in our commercial regulations. That this will be a commercial nation there can be no doubt in the mind of any person acquainted with our location; it, therefore, is our duty to commence preparing the way for shipping to enter our harbors.

The first requisite for the mouth of the Columbia river, is a good pilot or pilots. Many ships employed in the whale fishery would, no doubt, enter our river, and remain with us during the winter, if they were sure of obtaining a good pilot to bring them in safely over the bar, and conduct them out when ready for sea. Vessels can, without doubt, enter and depart from the mouth of the Columbia river, with as much safety as they can the majority of the seaports in the United States; and it needs only a careful pilot, well acquainted with the currents, land-marks, and shoals, to make it perfectly safe for vessels to enter our port. I, therefore, recommend that a branch be established at the mouth of the Columbia river, and that a board of commissioners be appointed, whose duty it shall be to examine all persons applying for a license to act as pilots, as to their capability so to act.

Connected with this is the means to prevent seamen from deserting. If seamen are at liberty to leave their vessels, and secrete themselves among the inhabitants, or be provided for and protected by them until their vessels leave, we can never hope to see vessels frequent our ports, for the purpose of refitting and obtaining supplies. I, therefore, recommend that a heavy penalty be imposed on any person who shall entice a seaman to leave his ship, or who shall harbor, secrete, employ, or in any wise assist a deserter.

This may appear severe, but when, on reflection, we consider that these men voluntarily entered into a contract to perform certain duties, and that the safety of the vessel they belong to, and the lives and property on board, depend on their faithfully fulfilling their contract, the severity vanishes at once. We should consider that a vessel lightly manned, (which must be the case if part of the ship's crew desert, as there are no seamen here to supply their places) runs great risks in working out of our harbor—a risk that shipmates and ship-owners will not be likely to run. Unless regulations be made that will prevent desertion, owners of vessels will avoid our ports, and without vessels, the produce of the farmer must remain on his hands, and in this way work an injury all round, and one that will be felt by all classes in the community.

Our courts, as at present regulated, have not answered the expectations of the framers of the law; but, as the jurisdiction of our courts will soon cease, it will probably be not worth while to enter into any new arrangement.

I regret to be compelled to inform you that the jail erected in Oregon City, and the property of the territory, was destroyed by fire, on the night of the 18th August last, the work, no doubt, of an incendiary. A reward of $100 00 was immediately offered, but, as yet, the offender has not been discovered. Should you think it best to erect another jail, I would suggest the propriety of building it of large stones, clamped together. We have but little use for a jail, and a small building would answer all purposes, for many years, I have no doubt, if we should be successful in keeping ardent spirits out of the territory.

There is one subject which I would lay before you, in reference to the Indian population, and that is the extent the law intends to allow them in their villages. Complaints are made by Indians that they are encroached upon by whites. Cannot some method be devised by which their villages can be surveyed, and stakes set, inside of which the whites may not be permitted to enter and build. The Indians inhabited their villages previous to our arrival, and sholud be protected by us. The time is, no doubt, near at hand, when the agent of the United States government will be here, and these matters will be arranged by him; but, until he arrives, I deem it necessary that some provision be made by you, as it may save trouble and difficulty.

Another emigration has crossed the Rocky Mountains, and most of the party has arrived in the settlements. About 152 wagons reached this place very early in the season, *via* Barlow's road, for which a charter was granted him at your last session. About 100 wagons are on their way, if they have not already reached the upper settlements, by a southern route. They have, no doubt, been detained by travelling a new route. The difficulties attending the opening of a wagon road are very great, and, probably, will account, in some measure, for their detention. The emigration falls very far short of last year, probably not numbering over one thousand souls. This is accounted for by a great part of the emigration turning off to California.

We trust that those coming among us may have no cause to regret the decision that brought them to Oregon.

I would call your attention to the subject of education, without which no country can be prosperous; it, therefore, becomes the duty of the legislature to provide liberally for the education of the rising generation.

I am happy to say that the past year has amply repaid the tiller's toil. Our harvest has been abundant, and the season for gathering in the crops was dry, enabling the farmer to secure the reward of his labor free from injury.

During the past season we have enjoyed, throughout our territory, the blessings of health; these blessings and mercies call for our gratitude. May we ever feel our dependence on the Divine Being, through whom we receive them, and our prayers continually ascend to Him for wisdom to guide us in the important duties to which we are called.

GEO. ABERNETHY.

Oregon City, Dec. 1, 1846.

On motion of Mr. T'Vault,

The governor's message, and accompanying documents,

Were referred to committee of the whole, and made the special order of the day for to-morrow.

Mr. T'Vault gave notice that, on to-morrow, he would introduce a bill regulating the writ *quod damnum*.

Mr. Hall gave notice that, on day after to-morrow, he would introduce a bill regulating weights and measures, and to affix penalties.

On motion of Mr. Hall,

Mr. Summers was added to the committee appointed to draft rules.

Mr. Lownsdale moved that, when the house adjourn, it adjourn to meet to-morrow, at 8 o'clock, A.M.;

Which motion was lost.

On motion of Mr. Newell,

The house adjourned to 10 o'clock, to-morrow.

THURSDAY, DEC. 3, 1846.

The house met pursuant to adjournment.

Mr. Boon, member for Polk county, appeared, was sworn, and took his seat.

Mr. T'Vault, from committee in relation to printing, made a report, which,

On motion of Mr. Hall,

Was received, and,

On motion of Mr. T'Vault,

Was adopted.

Mr. Hall, from committee on rules, made a report,

Which was received, and adopted.

The Speaker announced a communication from the executive:

On motion of Mr. Meek,

Fifty copies of the rules were ordered to be printed.

On motion of Mr. T'Vault,

A committee of three was appointed to superintend the printing of the rules.

Messrs. Hall, T'Vault, and Tolmie, were appointed said committee.

The reading of the communication from the executive being called for,

The clerk proceeded to the reading, when,

On motion of Mr. T'Vault,

The further reading was dispensed with, and

The communication, and accompanying documents,

Laid on the table.

The house then went into committee of the whole, on the state of the territory,

Mr. Newell in the chair.

And, after sometime spent therein,

The committee rose and reported, by the chairman, the following:—

Mr. Speaker,—The committee have had under consideration the governor's message, and instruct me to make the following report; to wit:—

That the message of the governor has been considered, and referred to committees, as follows:—

So much as relates to an adjournment,

Be passed for the present;

So much as relates to the subject of postage,

To the committee on post-offices and post-roads;

So much as relates to the sale, &c., of ardent spirits,

To the committee on ways and means;

So much as relates to the seat of government,

To the committee on seat of government;

So much as relates to commerce,

To the committee on commerce;

So much as relates to the judiciary,

To the committee on judiciary;

So much as relates to jail,

To committee on ways and means;

So much as relates to Indians,

To committee on Indian affairs;

So much as relates to the emigration,

Was passed for the present;

So much as relates to education,

To committee on education;

The last clause,

Passed for the present.

The report of the committee,

Was agreed to by the house.

Mr. T'Vault moved that 200 copies of the governor's message be ordered to be printed, when

Mr. Newell moved to amend by inserting 400 copies,

Which was not agreed to, and,

The question then recuring on the original motion,

It prevailed.

Mr. Lownsdale gave notice that, on to-morrow, he would ask leave to introduce a bill for the establishment of a public road, from Portland, in Tuality county, through Yamhill county, to the mouth of Mary's river, in Polk county.

On motion of Mr. T'Vault,

The house adjourned to 2 o'clock.

At 2 o'clock the house met.

Mr. T'Vault introduced a bill to regulate the writ *ad quod damnum*,

Which was read a first time, and

Ordered to a second reading.

Mr. Speaker announced a communication directed to the speaker of the house from George Wilkes, in relation to a rail-road,

Which was referred to committee on foreign affairs.

On motion of Mr. Hall,

The committee on printing the rules had leave to withdraw.

Mr. T'Vault gave notice that, on to-morrow, he would ask leave to introduce a bill regulating the manufacture and sale of ardent spirits.

Mr. Newell introduced the following:—

Resolved—That the house adjourn on Saturday, the 5th day of December, 1846, to convene the first Monday in May, 1847; which,

On motion of Mr. T'Vault,

Was laid on the table.

Mr. Straight gave notice that, on to-morrow, he would ask leave to introduce a bill for the division of the office of secretary and recorder of the territory.

The speaker announced the following standing committees; to wit:—

On elections—Lownsdale, Peers, and Chamberlain;

On ways and means—Newell, Lownsdale, and Straight;

On judiciary—T'Vault, Tolmie, and Looney;
On post-offices, &c.—Boon, T'Vault, and Peers;
On commerce—Tolmie, Hembree, and McDonald;
On Indian affairs—Peers, Williams, and Newell;
On militia—Hall, Looney, and Jeffreys;
On foreign affairs—Summers, McDonald, and Boon;
On currency—Hembree, Meek, and Chamberlain;
On claims—McDonald, Straight, and Summers;
On seat of government—Straight, Lownsdale, and Meek;
On education—T'Vault, Tolmie, and Hall.

On motion of Mr. Meek,

The house adjourned to 9 o'clock, to-morrow morning.

FRIDAY, Dec. 4, 1846.

House met pursuant to adjournment.

Mr. T'Vault presented a petition from Daniel Waldo, concerning the estate of Ewing Young, which,

On motion of Mr. T'Vault,

Was referred to a select committee of three;

Messrs. T'Vault, Newell, and Straight, were appointed said committee.

Mr. T'Vault presented a petition from Samuel Chase, Hill, Knighton, and others, in relation to opening a public road from the south-west end of main street, in Oregon City, to the bridge leading to the Island Mills,

Which was referred to standing committee on post-roads, &c.

On motion of Mr. Hall,

A special committee of three, on unfinished business, was appointed.

Messrs. Hall, Summers, and Looney, were appointed said committee.

On motion of Mr. T'Vault,

The committee on ways and means were instructed to call on the treasurer, and request of him a report of the condition of the finances.

The bill regulating the writ *ad quod damnum*,

Was read a second time, and referred to the judiciary committee.

On motion of Mr. Newell,

The house proceeded to the

ORDERS OF THE DAY.

Mr. Hembree gave notice that, on Monday, he would introduce a bill defining the northern boundary of Yamhill county.

On motion of Mr. Newell,

Proceeded to the election of engrossing clerk.

Noyes Smith and L. A. Rice, being in nomination.

Noyes Smith received nine votes, and

L. A. Rice received six votes; whereupon

Mr. Smith was declared duly elected engrossing clerk, for the present session.

Mr. Smith then appeared, took the oath of office, and entered upon his duties.

On motion of Mr. Newell,

The house adjourned to 2 o'clock, P.M., of this day.

The house met at 2 o'clock.

Mr. Straight, on leave, introduced a bill providing for the election of territorial recorder;

Which was read a first time, and ordered to a second reading.

Mr. Lownsdale introduced a bill to locate and establish a road from Portland to the mouth of Mary's river;

Which was read a first time, and ordered to second reading.

Mr. Hall introduced a bill, regulating weights and measures;

Which was read a first time, and ordered to a second reading.

Mr. Newell, from committee on ways and means, in compliance with instructions, presented the report of the treasurer;

Which was accepted, and referred to committee on ways and means.

Mr. Hall, from select committee on unfinished business, made report, and asked leave to sit again;

Which was accepted, and leave was granted.

Mr. Hall gave notice that, on to-morrow, he should ask leave to introduce a bill to make the office of district judge elective.

On motion of Mr. Hall,

The house took up the bill proposing an amendment to the organic law.

On motion of Mr. Lownsdale,

The house proceeded to act on the bill as on other bills.

The bill was then read a first time, and,

On motion,

Was rejected.

On motion of Mr. Lownsdale,

The house reconsidered the vote to reject the bill, and,

On his further motion,

The house reconsidered the vote to act on the bill as on other bills, when,

On leave,

Mr. Hall withdrew the bill.

Mr. Hall then gave notice that, on to-morrow, he would ask leave to introduce a bill, proposing an amendment, or amendments, to the organic law.

On motion of Mr. T'Vault,

The message from the executive, and accompanying documents,

Were taken up, and,

On motion of Mr. Meek,

Were referred to committee on seat of government.

Mr. T'Vault offered a resolution concerning the seat of government, which,

On his motion,

Was ordered to take the course of a bill; whereupon,

The resolution was read a first time, and ordered to a second reading.

Mr. Hembree asked, and obtained, leave of absence, till Monday next.

On motion of Mr. Newell,

The house adjourned to 9 o'clock to-morrow.

SATURDAY, DEC. 5, 1846.

The house met pursuant to adjournment.

Mr. T'Vault presented a petition from A. L. Lovejoy, praying for relief, which,

On motion of Mr. T'Vault,

Was referred to committee on ways and means.

Mr. T'Vault presented a petition from Elizabeth Gillahan, for a divorce, which.

On motion of Mr. Newell,

Was referred to a select committee of three.

Messrs. Newell, Boon, and Straight, were appointed said committee.

Mr. Boon presented a petition from J. W. Nesmith, praying for relief, which,

On motion of Mr. Boon,

Was referred to standing committee on claims.

Mr. Lownsdale, from committee on elections, made a report,

Which was accepted.

Mr. T'Vault, from judiciary, to whom had been referred the bill, entitled "An act to regulate the writ *ad quod damnum*, reported the same back, without amendment;

Which was accepted, and

The committee discharged from further consideration of said bill.

Mr. Newell moved the appointment of a committee on apportionment,

Which was rejected.

Mr. Lowndsdale offered the following:—

Resolved—That the treasurer report to this house the situation of the finances, in accordance with section 2, 4th clause of an act of the legislature, approved August 1845, defining the duties of treasurer;

Which was adopted.

The bill to provide for the election of territorial recorder,

Was read a second time, and ordered to be engrossed for third reading.

The bill to locate a territorial road from Portland to the mouth of Mary's river,

Was read a second time, and ordered to be engrossed for third reading.

The bill regulating weights and measures,

Was read a second time, and,

On motion of Mr. Hall,

The rules were suspended, and the bill considered as engrossed, and read a third time.

On motion of Mr. Boon,

The blank in third section was filled by inserting "fifty cents."

On motion of Mr. Straight,

The blank in sixth section was filled by inserting "fifty dollars," when,

On his motion,

The vote was reconsidered, and,

On motion of Mr. Hall,

The blank was filled by inserting "one hundred dollars."

The question being on the passage of the bill,

On motion of Mr. Straight,

The bill was recommitted to committee of the whole, and made the order of this day.

The resolution concerning the seat of government,

Was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. T'Vault,

The house proceeded to the

ORDERS OF THE DAY.

The bill entitled "An act to regulate the writ *ad quod damnum*,"

Was taken up, considered as engrossed, and read a third time, when

Mr. Lowndsdale moved an amendment, by way of rider,

Which was accepted,

Read a first time, and

No objection being made,

Was read a second time; and

The question then recurring on the passage of the bill, as amended, The yeas and nays were called for, and were as follows:—

Ayes—Messrs. Chamberlain, Straight, T'Vault, and Mr. Speaker —4.

Nays — Messrs. Boon, Hall, Lownsdale, Looney, McDonald, Meek, Newell, Peers, Summers, and Tolmie—10.

Absent—Mr. Hembree.

So the bill was not passed.

Mr. Hall, by leave, introduced a bill entitled "An act to amend the organic law,"

Which was read a first time, and ordered to second reading.

On motion of Mr. Newell,

The house adjourned to 2 o'clock of this day.

At two o'clock the house met, and

On motion of Mr. Boon,

The house adjourned to 10 o'clock, on Monday morning.

MONDAY, DEC. 7, 1846.

The house met pursuant to adjournment.

Mr. Williams, member from Polk county, appeared, and took his seat.

Mr. Summers presented a petition from J. W. Moss,

Which was referred to committee on claims.

Mr. Hall, from committee on militia, made a report,

Which was accepted.

Mr. Summers, from committee on foreign affairs, to whom had been referred the memorial of George Wilkes, of New York, made a report,

Which was accepted, and

Committee discharged from further consideration of the subject.

Mr. Newell, from select committee, to whom was referred the petition of Elizabeth Gillihan, praying a divorce, made a report, and

Asked to be discharged from further duty;

Which was accepted.

The bill to amend the organic law,

Was read a second time, and ordered to be engrossed for third reading.

The bill to provide for the election of territorial recorder,

Was read a third time, and committed to committee of the whole.

The bill to locate and establish a territorial road from Portland to the mouth of Mary's river,

Was read a third time, and passed.

On motion of Mr. Boon,

The house reconsidered the vote on the passage of said bill, when

Mr. Hall moved an amendment, by way of rider, by striking out of the enacting clause the words "a bill," and insert the words "an act;"

Which was read a first and second times, considered as engrossed, and

Read a third time.

On motion of Mr. Newell,

The bill, as amended, was recommitted to committee of the whole.

The resolution relating to location of seat of government,

Was read a third time, and passed.

The Speaker laid before the house

A report from the treasurer of the territory.

On motion of Mr. Boon,

The house proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Hall,

The house went into committee of the whole,

Mr. Straight in the chair; and,

After some deliberation therein,

The committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Meek,

The house adjourned to 2 o'clock.

At 2 o'clock the house met.

On motion of Mr. Lownsdale,

The house went into committee of the whole,

Mr. Meek in the chair; and,

After some deliberation therein,

The committee rose, and, by the chairman, reported as follows:—

Mr. Speaker,—The committee have had under consideration bills of the following titles, and having proposed amendments thereto, report the same back; to wit:—

An act to regulate weights and measures;

An act to provide for the election of territorial recorder;

An act to provide for the location of a territorial road from Portland to Mary's river.

The report of the committee was accepted.

On motion of Mr. Hall,

The bill regulating weights and measures, and

The bill to locate a road from Portland to Mary's river,

Were, severally, ordered to be engrossed for third reading to-morrow.

On motion of Mr. T'Vault,

The rules were suspended, and

The bill providing for the election of territorial recorder,

Was considered as engrossed, and

Read a third time.

Mr. Hall offered an amendment, by way of river, by inserting the word "of," after the word "territory," in the third section;

Which was read a first time; and,

No objection being made,

Was read a second time, and considered as engrosed:

The question then recurring on the passage of the bill as amended,

Was decided in the affirmative.

The Speaker announced Messrs. Hall, Boon, and Newell, as standing committee on engrossed bills; and

Messrs. Summers, Peers, and T'Vault, as standing committee on enrolled bills.

Mr. Straight gave notice that, on to-morrow, he would ask leave to introduce a bill for the regulation of ferries.

Mr. Meek gave notice that, on to-morrow, he would ask leave to introduce a bill to provide for the location of a road in Tuality county.

Mr. Tolmie introduced the following:—

Resolved—That the judiciary committee be discharged from further duty, as the present legislature deem it inexpedient to organize the judiciary, at the present time, in any manner different from the present organization; which,

On motion of Mr. Boon,

Was laid on the table.

Mr. Summers gave notice that, on to-morrow, he would ask leave to introduce a bill to repeal the "Act to regulate the introduction, sale, and manufacture of ardent spirits in the territory."

Mr. Boon gave notice that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to provide for the location of a territorial road from Salem, in Champoeg county, to White's ferry, and thence to Mary's river.

Mr. T'Vault offered the following:—

Resolved—That the house now proceed to the election of territorial recorder,

Which was adopted.

Mr. Newell moved that the house nominate by ballot;

Which was rejected.

Theophilus McGruder, S. S. White, William Bennett, L. A. Rice, Noyes Smith, and — Harrigus, being in nomination,

The house proceeded to the election, when,

Upon the third balloting,

Theophilus McGruder, having received a majority of all the votes, was declared duly elected territorial recorder, for the term of two years.

On motion of Mr. Boon,

The house adjourned to 10 o'clock to-morrow morning.

TUESDAY, DEC. 8, 1846.

At 10 o'clock the house met.

Mr. T'Vault presented the petition of S. K. Barlow and Philip Foster, praying for an extension of their charter, granted them by the last legislature, for opening a road across the Cascade Mountains, which,

On motion of Mr. T'Vault,

Was referred to committee on post-offices and post roads.

Mr. Newell, from committee on ways and means, to whom had been referred the petition of A. L. Lovejoy, made a report, recommending that said petition be referred to committee on claims;

Which was accepted, and the petition referred accordingly.

Mr. T'Vault, from committee on judiciary, made a report;

Which was accepted.

Mr. Peers, from committee on Indian affairs, made a report,

Which was accepted.

Mr. T'Vault, on leave, introduced a bill amendatory to the "Act organizing county courts,"

Which was read a first time, and ordered to a second reading;

Also, a bill providing for the establishment of circuit courts, and prescribing their powers and duties;

Which was read a first time, and ordered to a second reading.

Mr. T'Vault moved to suspend the rules, and read the said bills the third time;

Which was not agreed to.

On motion of Mr. T'Vault,

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At 2 o'clock the house met.

Mr. Hall, from committee on engrossed bills, reported the following bills, as truly engrossed; to wit:—

An act to regulate weights and measures;

An act to establish a territorial road, from Portland to the mouth of Mary's river; and

An act to amend the organic law.

Mr. Straight, on leave, introduced a bill to amend an act regulating ferries,

Which was read a first time, and ordered to a second reading.

On motion of Mr. Hall,

The house proceeded to the

ORDERS OF THE DAY.

The bill to regulate weights and measures,

Was read a third time; and, the question being on the passage of the bill,

The yeas and nays were demanded, was decided in the affirmative, as follows:—

Yeas—Messrs. Boon, Chamberlain, Hall, Hembree, Lownsdale, Looney, McDonald, Meek, Newell, Peers, Summers, Straight, Tolmie, and Mr. Speaker—14.

Nays—Messrs. T'Vault and Williams—2.

The act to amend the Organic Law,

Was read a third time and committed to committee of the whole, and made the order for to-day.

The act providing for the location of a territorial road from Portland to the mouth of Mary's river,

Was read a third time and passed.

Mr. T'Vault, from select committee to whom had been referred the petition of Daniel Waldo, in relation to the estate of Ewing Young, made a report from majority of said committee; also, a report from the minority,

Which were severally accepted.

Mr. T'Vault introduced a bill to amend the "act for the erection of a jail,"

Which was read a first time, and ordered to second reading.

Mr. Hembree on leave, introduced a bill to define and establish the northern boundary of Yamhill county,

Which was read a first time, and ordered to a second reading.

Mr. Hembree gave notice that on to-morrow he would ask leave to introduce a bill to regulate the manufacture and sale of ardent spirits.

On motion,

The house went into committee of the whole,

Mr. Summers in the chair,

And after some time spent therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—
The bill to amend the organic law,
And ask leave to sit again thereon.
Mr. T'Vault moved to adjourn to half-past 6 o'clock, this evening;
Which was not agreed to.
On motion of Mr. Newell,
The house adjourned to half-past 9 o'clock to-morrow.

WEDNESDAY, Dec. 9, 1846.

House met pursuant to adjournment.

Mr. T'Vault, from judiciary committee, reported a bill entitled "An act to repeal the act establishing criminal courts."

Mr. Newell, from committee on ways and means, reported concerning the finances.

Mr. T'Vault, from committee on education, made a report, recommending a memorial to congress on the subject of education.

Mr. Boon, from committee on post-offices and post-roads, reported

A bill entitled "An act to amend the act authorizing S. K. Barlow to construct a road across the Cascade Mountains;" and, also,

A bill entitled "An act to provide for laying out, and constructing a road, from the south-west end of main-street, in Oregon City, to the Island Mills, in Clackamas county.

Mr. Tolmie, from committee on commerce, reported a bill entitled "An act to provide for the establishment of a pilotage, at the mouth of the Columbia river, and from there to the limits of navigation on the Columbia and Willamette rivers."

Mr. Hembree, from committee on the currency, made a report from the majority of said committee, including a bill entitled "An act to amend an act in relation to the currency, and subjecting property to execution."

Mr. Hall, from select committee, to whom was referred the subject of a national rail-road, made a report, asking for further powers;
Which was accepted.
Mr. Newell offered the following;
Which was adopted:—

Resolved—That the select committee on the national railroad, be instructed to memorialize the congress of the United States, on the different subjects set forth in their report, and upon any other subject that to them may seem proper.

Mr. T'Vault asked, and obtained, leave of absence until Saturday next.

The following bills,
Were read a second time, and severally referred as follows:—
An act to amend an act organizing county courts;

Referred to select committee, consisting of Messrs. T'Vault, Lownsdale, and Williams.

An act to establish circuit courts, and prescribe their powers and duties;

Referred as above.

An act to amend an act regulating ferries;

Referred to committee of the whole.

An act to amend an act for the erection of a jail;

Referred to committee of the whole, and made the special order for Saturday next.

An act to define and establish the northern boundary of Yamhill county;

Referred to select committee, consisting of Messrs. Lownsdale, Hembree, and Meek.

The bill entitled "An act to amend an act in relation to the currency, and to subject property to execution;"

Was read a first time; when

Mr. Lownsdale moved to reject the bill, upon which,

The yeas and nays being called, was decided affirmatively, as follows;—

Yeas—Messrs. Boon, Chamberlain, Hall, Lownsdale, Looney, McDonald, Meek, Newell, Peers, Summers, Straight, Tolmie, and Williams—13.

Nays—Messrs. Hembree, T'Vault, and Speaker—3.

The bill entitled "An act to repeal an act establishing a criminal court,"

Was taken up, read a first time, and,

On motion of Mr. T'Vault,

The rules were suspended,

The bill read a second time, and referred to the select committee to whom had been referred the act entitled "An act establishing county courts."

The following bills were read a first time, and severally ordered to second reading:—

The bill providing for the establishment of a pilotage;

The bill providing for the establishment of a road from the southwest end of main-street, in Oregon City, to the Island Mills;

The bill to amend an act authorizing S. K. Barlow to construct a road across the Cascade Mountains.

On motion of Mr. Newell,

The house proceeded to the

ORDERS OF THE DAY.

Mr. Boon, on leave, introduced a bill providing for a territorial road from Salem, in Champoeg county, to the mouth of Mary's river;

Which was read a first time, and ordered to a second reading.

Mr. Hembree, on leave, introduced a bill, regulating the manufacture and sale of wines and distilled spirituous liquors;

Which was read a first time, and ordered to a second reading.

On motion of Mr. Summers,

The house adjourned to 2 o'clock, P.M., of this day.

AFTERNOON SESSION.

The house met at 2 o'clock.

The Speaker announced the resignation of Noyes Smith, engrossing clerk,

Which was accepted; and,

On motion of Mr. Lownsdale,

The house proceeded to fill the vacancy occasioned thereby; and, upon the first ballot,

T. McGruder, having received a majority of all the votes, was declared duly elected engrossing clerk.

Mr. McGruder appeared, took the oath of office, and entered upon his duties.

On motion,

The house went into committee of the whole,

Mr. Boon in the chair.

After some deliberation therein,

The committee rose and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill entitled "An act to amend the organic law; and, also,

The bill entitled "An act to amend the act regulating ferries;"

And have proposed amendments to the same, and beg leave to report them back to the house;

Which report was accepted.

On motion of Mr. Newell,

The act to amend the organic law,

Was referred to a select committee, with instructions to report two bills; one including the first and second sections; and the other, the third section of said bill.

Messrs. Newell, Straight, and Tolmie, were appointed said committee.

Mr. Meek gave notice that, on to-morrow, he would ask leave to introduce a bill to prevent the desertion of seamen.

On motion of Mr. Hall,

The bill to amend the act regulating ferries,

Was ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr. Straight,

The house adjourned to 10 o'clock to-morrow.

THURSDAY, DEC. 10, 1846.

The house met pursuant to adjournment.

Mr. Straight presented the petition of P. G. Stewart, administrator of the estate of J. E. Long, deceased, praying for relief;

Which was referred to standing committee on claims.

Mr. Tolmie presented the petition of John Jackson, collector. &c., praying an extension of time for collecting revenue;

Which was referred to a select committee consisting of Messrs. Hall, Tolmie, and Lownsdale.

Mr. Newell, from committee on ways and means, made an additional report on the condition of finances.

Mr. Hall, from committee on engrossed bills, reported as truly engrossed:—

A bill to amend an act to regulate ferries.

Mr. Summers, from committee on enrolled bills, reported as truly enrolled:—

A bill in relation to territorial recorder;

Also, a resolution in relation to locating the seat of government.

Mr. Lownsdale, from select committee, to whom had been referred the bill defining the northern boundary of Yamhill county, reported the same back, with amendments.

Mr. Newell, from select committee, to whom had been referred the bill to amend the organic law, reported, in compliance with instructions:—

An act to amend the organic law; and,

An act to provide for the election of county judges.

The following bills were read a second time, and severally referred as follows:—

The bill establishing a pilotage,

Ordered to be engrossed for a third reading on to-morrow.;

The bill to amend an act, authorizing Samuel K. Barlow to construct a road across the Cascade Mountains,

Was referred to committee of the whole;

Also, the bill providing for a road from the south-west end of main-street, in Oregon City, to the Island Mills;

The bill providing for a road from Salem, in Champoeg county, to the mouth of Mary's river,

Ordered to be engrossed for third reading on to-morrow;

The bill to regulate the sale and manufacture of wine and distilled spirituous liquors,

Referred to select committee, consisting of Messrs. Hall, Hembree, and Peers.

The following bills were read a first time, and ordered to a second reading; to wit:—

A bill to amend the organic law;

A bill to provide for the election of county judges;

The bill to define the northern boundary line of Yamhill county,
Was taken up, and committed to committee of the whole.
On motion of Mr. Boon,
The house proceeded to the

ORDERS OF THE DAY.

The bill to amend an act to regulate ferries,
Was read a third time; and,
On motion of Mr. Newell,
Indefinitely postponed.

Mr. Meek introduced a bill to prevent the desertion of seamen;
Which was read a first time, and ordered to a second reading.
On motion of Mr. Straight,
The house went into committee of the whole,
Mr. Peers in the chair; and,
After some deliberation therein,
The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to amend an act authorizing S. K. Barlow to construct a road across the Cascade Mountains,

And beg leave to report the same back, and recommend its reference to a select committee;

Also, the bill to locate a road from Oregon City to the Island Mills,

Have proposed to amend the same by striking out the third section, and report the same back to the house; and,

Also, the bill to define the northern boundary of Yamhill county,

And have proposed amendments to the bill, and report the same back;

Which report was accepted.
On motion of Mr. Peers,
The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

The bill to locate a road from the south-west end of Main-street, in Oregon City, to the Island Mills,

Was taken up, and,
On the motion of Mr. Hall to indefinitely postpone the bill,
The yeas and nays being ordered, the motion was decided affirmatively, as follows:—

Yeas—Messrs. Boon, Chamberlain, Hall, Lownsdale, Looney, McDonald, Newell, Peers, Summers, Tolmie, and Williams—11.

Nays—Messrs. Hembree, Meek, Straight, and Speaker—4.

Absent—Mr. T'Vault.

The bill to amend an act authorizing Samuel K. Barlow to construct a road across the Cascade Mountains,

Was taken up, and referred to a select committee, consisting of Messrs. Straight, Summers, and Boon.

The bill to define the northern boundary of Yamhill county,

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Lownsdale moved to reconsider the vote taken yesterday, to reject the "bill to amend an act regulating the currency, and subjecting property to execution;" upon which,

The yeas and nays being taken, the reconsideration was refused, as follows:—

Yeas—Messrs. Hembree, Lownsdale, Looney, Tolmie, and Mr. Speaker—5.

Nays—Messrs. Boon, Chamberlain, Hall, McDonald, Meek, Newell, Peers, Summers, Straight, and Williams—10.

Absent—Mr. T'Vault.

Mr. Newell gave notice that, on to-morrow, he would ask leave to introduce a bill on apportionment.

On motion of Mr. Straight,

The house adjourned to 10 o'clock, to-morrow.

FRIDAY, Dec. 11, 1846.

The house met pursuant to adjournment.

Mr. Straight presented the petition of Nathaniel R. Colwell, praying for a divorce;

Referred to select committee consisting of Messrs. Boon, Chamberlain, and Hembree;

Also, the petition of Daniel Stewart, praying for a charter for the construction of a road;

Which was referred to a select committee, consisting of Messrs. Straight, Williams, and Lownsdale.

Mr. Summers, from committee on enrolled bills, reported as truly enrolled :—

An act to locate a road from Portland to the mouth of Mary's river;

Also, an act to regulate weights and measures.

Mr. Hall, from committee to whom was referred the petition of John R. Jackson, reported a bill in relation thereto.

Mr. Hall offered the following,

Which was adopted :—

Resolved—That the present legislature will adjourn on next Tuesday, *sine die.*

The following bills were read a second time :—

An act to amend the organic law,

And ordered to be engrossed for third reading;

An act providing for the election of county judges,

Committed to committee of the whole;

An act to prevent the desertion of seamen,

Committed to committee of the whole.

Mr. Hall, from committee to whom was referred the bill, regulating the manufacture, &c., of ardent spirits, reported the same back, with amendments,

Which was committed to committee of the whole.

Mr. Straight, from select committee to whom was referred the bill to amend an act authorizing Samuel K. Barlow to construct a road, &c., reported the same back,

Which was referred to committee of the whole.

Mr. Newell, on leave, introduced a bill on apportionment,

Which was read a first time, and ordered to a second reading.

The bill for the relief of John R. Jackson,

Was read a first time, and ordered to a second reading.

Mr. Hall, from committee on engrossed bills, reported, as truly engrossed, the bills following :—

A bill to establish a pilotage;

A bill to define the northern boundary line of Yamhill county; and

An act to locate a territorial road from Salem to Mary's river.

The following bills were read a third time :—

The bill establishing a pilotage,

Recommitted to committee of the whole;

The bill to define the northern boundary line of Yamhill county,

Was passed;

An act to establish a territorial road, from Salem to the mouth of Mary's river,

Which was passed.

On motion of Mr. Meek,

The house proceeded to the

ORDERS OF THE DAY.

On motion,

The house went into committee of the whole,

Mr. Hembree in the chair.

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill providing for the election of county judges;

Have proposed an amendment, and beg leave to report the same back;

Also, the bill to prevent the desertion of seamen,

And recommend its reference to a select committee, with instructions to insert a section for the *protection* of seamen;

Also, the bill to regulate the manufacture and sale of wine and spirituous liquors,

And ask leave to sit again thereon.

On motion of Mr. Boon,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

The Speaker announced Messrs. Tolmie, Straight, and Peers, a select committee upon the reference of the bill concerning seamen.

On motion of Mr. Straight,

The persons having made proposals concerning the seat of government, had leave to withdraw their papers.

Mr. Hall, from committee on engrossed bills, reported as truly engrossed:—

An act to amend the organic law.

Mr. Summers, from committee on enrolled bills, reported as truly enrolled:—

An act defining the northern boundary line of Yamhill county;

Also, an act to establish a territorial road from Salem to Mary's river.

On motion of Mr. Boon,

The house went into committee of the whole,

Mr. Tolmie in the chair; and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to regulate the manufacture, &c., of wine and spirituous liquors,

Proposed sundry amendments thereto, and report the same back to the house.

On motion of Mr. Newell,

The bill to regulate the manufacture, &c., of spirituous liquors, &c.,

Was referred to a select committee of five, consisting of Messrs. Newell, Straight, Tolmie, Hembree, ~~and~~ Summers.

Mr. Hall, on leave, introduced a bill for the appointment of inspectors,

Which was read a first time, and,

On motion,

The rules were suspended,

The bill read a second time, and ordered to be engrossed for third reading, on to-morrow.

On motion of Mr. Meek,

The house adjourned to 10 o'clock, to-morrow morning.

SATURDAY, Dec. 12, 1846.

The house met pursuant to adjournment.

A call of the house being ordered,

The clerk proceeded to call the roll, and, upon the second call, a quorum appearing, the further call was dispensed with.

Mr. Hall, from committee on engrossed bills, reported, as truly engrossed:—

The bill providing for appointment of inspectors.

Mr. Summers, from committee on enrolled bills, reported, as truly enrolled, and presented to the governor for approval or rejection, bills of the following titles:—

An act to regulate weights and measures;

An act to locate a road from Portland to the mouth of Mary's river;

An act to locate a territorial road from Salem to the mouth of Mary's river; and,

An act to define the northern boundary line of Yamhill county.

Mr. Tolmie, from select committee to whom was referred the bill to prevent desertion of seamen, reported the same back amended, in compliance with instructions.

Mr. Boon, from select committee to whom was referred the petition of Nathanial Colwell, reported a bill in relation thereto.

On motion of Mr. T'Vault,

The rules were suspended, and

Mr. Hembree presented the petition of eighty-two citizens of Yamhill county, praying for the location of the county seat of said county;

Referred to select committee, consisting of Messrs. Hembree, Williams, and T'Vault.

Mr. Newell, from select committee to whom had been referred the bill concerning ardent spirits, reported the same back, with sundry amendments, and,

On motion of Mr. Hall,

The rules were suspended,

The bill read a first and second times, and referred to committee of the whole.

The bill for the relief of John R. Jackson,

Was read a second time, and ordered to be engrossed for third reading.

The bill on apportionment,

Was read a second time, and committed to committee of the whole.

The following bills were read a third time:—

The bill to amend the organic law,

Recommitted to committee of the whole;

Also, the bill to appoint inspectors.

The bill providing for the election of county judges,

Was then taken up, when

Mr. T'Vault moved to recommit the bill to committee of the whole;

Which was rejected, and,

On motion of Mr. Hall,

The bill was ordered to be engrossed for a third reading.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

A bill to divorce Nathaniel R. Colwell,

Was read a first time, and ordered to second reading.

On motion,

The house went into committee of the whole,

Mr. Straight in the chair.

After some deliberation therein,

The committee rose and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to amend an act for the erection of a jail,

And ask leave to sit again thereon.

On motion,

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At 2 o'clock the house met.

Mr. T'Vault, from select committee to whom had been referred three several bills, in relation to county, circuit, and criminal courts, reported the same back, with proposed amendments.

On motion of Mr. T'Vault,

The rules were suspended, and

The amendments read a first and second times, and, in conjunction with the bills, ordered to be engrossed for third reading on Monday next.

On motion,

The house resolved itself into committee of the whole,

Mr. Williams in the chair, and,

After some deliberation therein,

The committee rose, and reported the following:—

Mr. Speaker,—The committee have had under consideration:—

The bill to amend the act for the erection of a jail,

And have stricken out the enacting clause and the first section, and beg leave to report the same back to the house;

Also, the bill to amend the act authorizing S. K. Barlow to construct a road across the Cascade Mountains,

And have proposed amendments thereto, and beg leave to report the same back to the house;

Also, the bill to establish a pilotage, &c.,

Having proposed amendments thereto, recommend its reference to a select committee;

Also, the bill to regulate the manufacture and sale of wine and distilled spirituous liquors,

Having proposed amendments to the same, report it back to the house.

The Speaker announced Messrs. Summers, T'Vault, and Hall, the select committee on the reference of the pilotage bill.

Mr. Hall, from committee on engrossed bills, reported as truly engrossed:—

An act to prevent desertion of seamen.

On motion of Mr. Newell,

The bill to amend an act authorizing S. K. Barlow to construct a road, &c.,

Was laid on the table till Monday next.

On motion of Mr. Meek,

The vote on the adoption of the resolution to adjourn *sine die*, on next Tuesday, was reconsidered, and,

On his motion,

The resolution was laid on the table.

Mr. Summers gave notice that, on Monday next, he would ask leave to introduce a bill to legalize the acts of the county court of Clatsop county.

On motion,

The bill concerning ardent spirits,

Was laid on the table till Monday.

On motion of Mr. Newell,

The house adjourned to 9 o'clock, A.M., on Monday next.

MONDAY, Dec. 14, 1846.

The house met pursuant to adjournment.

Mr. T'Vault, from committee on judiciary, reported:—

A bill to prevent gaming.

Mr. Boon, from committee on post-offices and post-roads, reported:—

A bill amendatory of the act establishing the post-office department.

Mr. Hembree, from select committee to whom had been referred the petition of the citizens of Yamhill, in relation to county seat, reported:—

A bill in relation thereto.

Mr. Hall, from committee on engrossed bills, reported, as truly engrossed, bills of the following titles:—

An act for the relief of John R. Jackson;

An act to establish circuit courts;

An act to repeal the act establishing criminal courts;

An act providing for the election of county judges.

Mr. Tolmie offered the following:—

Resolved—That the legislature deem it inexpedient, at the present time, to legalize the manufacture and sale of ardent spirits.

Upon the adoption of which,

The yeas and nays were called, and were as follows:—

Yeas—Messrs. Chamberlain, McDonald, and Tolmie—3.

Nays—Messrs. Boon, Hall, Hembree, Lownsdale, Looney, Meek, Newell, Peers, Summers, Straight, T'Vault, Williams, and Speaker—13.

Mr. Summers, from select committee to whom had been referred the bill in relation to a pilotage, reported the bill back, with amendments.

The bill to divorce Nathaniel R. Colwell, Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to prevent gaming,

Was read a first time, and,

On motion of Mr. Peers, to reject the bill,

The yeas and nays being called, the motion was decided affirmatively, as follows:—

Yeas—Messrs. Chamberlain, Hall, Hembree, Lownsdale, Looney McDonald, Peers, Summers, Newell, Straight, and Williams—11.

Nays—Messrs. Boon, Meek Tolmie, T'Vault, and Speaker—5.

The bill to amend the act to create the post-office department,

Was read a first time, and ordered to a second reading on to-morrow.

The bill to locate the county seat of Yamhill county,

Was read a first time, and ordered to a second reading to-morrow.

Mr. Summers, on leave, introduced:—

A bill to legalize the acts of the county court of Clatsop county,

Which was read a first time, and ordered to a second reading on to-morrow.

On motion,

The house proceeded to the

ORDERS OF THE DAY.

The following bills were read a third time:—

The bill to prevent desertion of seamen,

Recommitted to committee of the whole;

The bill for the relief of John R. Jackson.

Mr. T'Vault moved to amend, by way of rider, by inserting before "1846" the figures "1845,"

Which was adopted, and the bill passed.

The bill to amend the act creating county courts,

Being under consideration,

On motion of Mr. Hembree,

The house adjourned to 6 o'clock this evening.

EVENING SESSION.

At 6 o'clock, P.M., the house met

The bill to amend the act creating ——— county,

Was read a third time, and,

The question being on the passage of the bill, The yeas and nays were called, and the question was decided affirmatively, by the following vote:—

Yeas—Messrs. Boon, Chamberlain, Hembree, Lownsdale, Looney, McDonald, Meek, Newell, Straight, T'Vault, Williams, and Speaker —12.

Nays—Messrs. Hall, Summers, Peers, and Tolmie—4.

The bill to establish a circuit court,

Was committed to committee of the whole, and made the special order for to-morrow.

The bill providing for the election of county judges,

Was recommitted, as above.

The bill to repeal the act creating a criminal court,

Was recommitted, as above.

The bill establishing a pilotage,

Was ordered to be engrossed for a third reading on to-morrow;

Also, the bill to amend an act authorizing L. K. Barlow to construct a road;

Also, the bill to regulate the manufacture and sale of ardent spirits (after being amended).

Mr. Hembree, on leave, introduced the petition of Adam Smith, praying for a divorce,

Which was referred to a select committee, consisting of Messrs. Hembree, Boon, and Looney.

Mr. Tolmie, on leave, presented the petition of Thos. Purves, praying for a charter to construct a road,

Which was referred to a select commttee, consisting of Messrs. Tolmie, Lownsdale, and Newell.

Mr. Newell offered the following:—

Resolved—That this house adjourn, on Wednesday next, *sine die*,

Which was rejected.

Mr. Hall offered the following:—

Resolved—That this house will receive no new business for legislation, after 12 o'clock, A.M., on Tuesday, the 15th inst.,

Which was negatived by yeas and nays, as follows:—

Yeas—Messrs. Chamberlain, Hall, Looney, McDonald, Peers, Summers, and Tolmie—7.

Nays—Messrs. Boon, Hembree, Lownsdale, Meek, Newell, Straight, T'Vault, Williams, and Speaker—9.

Mr. Tolmie offered the following,

Which was adopted:—

Resolved—That a select committee be appointed to examine the present liquor law; and, while preserving as much as possible its prohibitory spirit, to remodel it, in accordance with the organic law.

Messrs. Tolmie, Hall, and Summers, were appointed said committee.

On motion,

The house went into committee of the whole,

Mr. Newell in the chair; and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration bills of the following titles, have proposed amendments thereto, and beg leave to report the same back to the house:—

A bill on apportionment;

A bill to amend the organic law;

A bill to prevent desertion of seamen; and,

Also, a bill to appoint inspectors,

And recommend its reference to a select committee.

On motion,

The bill to appoint inspectors,

Was referred to a select committee, consisting of Messrs. T'Vault, Hall, and Peers.

Mr. Hall gavt notice that, on to morrow, he would ask leave to introduce a bill to revive an act locating a road from Multnomah to Mary's river.

The bill to amend the organic law, and

The bill on apportionment,

Was taken up, and ordered to be engrossed for third reading on to-morrow.

The bill to prevent desertion of seamen,

Was referred to select committee, consisting of Messrs. T'Vault, Summers, and Tolmie.

On motion,

The house adjourned to 10 o'clock to-morrow.

TUESDAY, Dec. 15, 1846.

The house met pursuant to adjournment.

Mr. Straight presented the petition of Frederick Prigg, praying for relief;

Referred to committee on claims.

Mr. Hembree presented the petition of Andrew Hembree, praying for relief;

Referred to select committee, consisting of Messrs. Hembree, McDonald, and Lownsdale.

Mr. Summers, from committee on enrolled bills, reported as truly enrolled:—

An act organizing county courts, and

An act for the relief of John R. Jackson.

Mr. Hembree, from committee to whom had been referred the petition of A. Smith, for a divorce, reported a bill in relation thereto.

Mr. Straight, from committee to whom had been referred the petition of Daniel Stewart, for a charter for a road, reported a bill in relation thereto.

Mr. T'Vault, from committee to whom had been referred the bill to appoint inspectors, reported an additional bill.

Mr. T'Vault, from committee to whom had been referred the bill concerning seamen,

Reported an additional bill.

Mr. Newell gave notice that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to provide for the election of territorial auditor.

The following bills were read a second time:—

The bill locating county seat of Yamhill county,

Committed to committee of the whole;

The bill to legalize the acts of county courts of Clatsop county;

Ordered to be engrossed;

The bill to amend the act creating post-office department,

Committed to committee of the whole.

The following bills were read a first time, the rules suspended, and read a second time, and severally committed to committee of the whole:—

A bill to prevent desertion of seamen;

A bill to divorce Adam Smith from his wife, Elizabeth;

A bill to authorize Daniel Stewart to construct a road;

A bill providing for the appointment of inspectors;

A bill to revive an act to locate a road from Multnomah City to the mouth of Mary's river.

On motion,

The house went into committee of the whole,

Mr. Hall in the chair.

After some deliberation therein,

The committee rose and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill providing for the establishment of circuit court,

And beg leave to report the same back without amendment.

Mr. Peers asked, and obtained, leave of absence for this afternoon.

The bill to establish a circuit court,

Was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Straight,

The house adjourned to 2 o'clock, P.M., of this day.

AFTERNOON SESSION.

The house met at 2 o'clock.

A call of the house being ordered,

A quorum appeared, and

The further call of the house was dispensed with.

Mr. Hall, from committee on engrossed bills, reported, as truly engrossed:—

An act to divorce Nathaniel R. Colwell,

The bill to divorce Nathaniel R. Colwell,

Was read a third time, and,

The yeas and nays being ordered on its passage, the bill passed by the following vote:—

Yeas—Messrs. Boon, Hembree, Lownsdale, Looney, Meek, Newell, Tolmie, and Speaker—8.

Nays—Messrs. Chamberlain, Hall, McDonald, Summers, T'Vault, and Williams—6.

Absent—Messrs. Peers and Straight—2.

The house then went into committee of the whole,

Mr. Meek in the chair.

After some deliberation therein,

The committee rose and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

Bills of the following titles,

Have proposed amendments thereto, and beg leave to report the same back to the house:—

The bill to repeal an act establishing a criminal court;

A bill to provide for the election of county judges;

A bill to locate the county seat of Yamhill county;

A bill to amend the act creating a post-office department;

A bill to prevent desertion of seamen;

A bill to divorce Adam Smith from his wife;

A bill to authorize Daniel Stewart to construct a road;

A bill providing for the appointment of inspectors;

A bill to revive an act to locate a road from Multnomah to the mouth of Mary's river;

Mr. Hall, from committee on engrossed bills, reported as truly engrossed:—

An act to establish a pilotage;

An act to regulate the manufacture and sale of ardent spirits;

An act authorizing S. K. Barlow to construct a road;

An act to amend the organic law; and,

An act on apportionment.

The house then took up the bill to regulate the manufacture and sale of ardent spirits.

Mr. Newell moved to lay the bill on the table, and,

The yeas and nays being ordered, it was negatived as follows:—

Yeas—Messrs. Chamberlain, Hall, Lownsdale, Looney, McDonald, Newell, and Tolmie—7.

Nays—Messrs. Boon, Hembree, Meek, Summers, Straight, T'Vault, Williams, and Speaker—8.

Absent—Mr. Peers.

Mr. Newell moved that the house adjourn,
Which it refused by the following vote:—
Yeas—Messrs. Lownsdale, McDonald, Newell, and Tolmie—4.

Nays—Messrs. Boon, Chamberlain, Hall, Hembree, Looney, Meek, Summers, Straight, T'Vault, Williams, and Speaker—11.

Mr. Lownsdale then moved to recommit the bill to committee of the whole; upon which,
The yeas and nays being ordered, the motion was rejected, as follows:—

Yeas—Messrs. Chamberlain, Lownsdale, Mc. Donald, Newell, and Tolmie—5.

Nays—Messrs. Boon, Hall, Hembree, Looney, Meek, Summers, Straight, T'Vault, Williams, and Speaker—10.

Absent—Mr. Peers.

The question then recurring on the passage of the bill,
The yeas and nays being ordered, the question was decided affirmatively, as follows:—

Yeas—Messrs. Boon, Hall, Hembree, Looney, Meek, Summers, Straight, T'Vault, Williams, and Speaker—10.

Nays—Messrs. Chamberlain, Lownsdale, McDonald, Newell, and Tolmie—5.

Absent—Mr. Peers.

On motion of Mr. Meek,
The house adjourned to 10 o'clock, to-morrow morning.

WEDNESDAY, Dec. 16, 1846.

The house met pursuant to adjournment.
Mr. McDonald, from standing committee on claims, to whom had been referred sundry petitions praying relief, reported a bill in relation thereto.

Mr. Summers, from committee on enrolled bills, reported as truly enrolled :—

An act to divorce Nathaniel R. Colwell ;

Also, an act to regulate the manufacture and sale of wine and distilled spirituous liquors ;

Also, two bills delivered to the governor for approval ;

Also, the act for the relief of John R. Jackson, and

An act to amend the act organizing county courts.

The committee to whom had been referred the petition of Thos. Purves, praying a charter, made a report, asking to be discharged from further duty.

Mr. Hall, from committee on engrossed bills, reported as truly engrossed :—

An act to legalize the acts of the county court of Clatsop county.

A bill to appropriate money,

Was read a first time, and,

The rules being suspended,

The bill was read a second time, and committed to committee of the whole.

The following bills were read a third time :—

An act to amend the organic law,

Passed by the following vote :—

Ayes—Messrs. Boon, Chamberlain, Hall, Hembree, Lownsdale, Looney, McDonald, Meek, Newell, Summers, Straight, Tolmie, Williams, and Speaker—14.

Absent—Messrs. Peers and T'Vault.

Also, the bill to amend the act authorizing S. K. Barlow to construct a road, and,

On motion of Mr. Newell,

The bill was referred to a select committee, consisting of Messrs. Newell, Straight, and Boon ; also,

A bill entitled an act on appropriation,

Which was passed ; also,

The bill to establish a pilotage,

Recommitted to committee of the whole.

The speaker announced a communication from the governor.

On motion,

The house adjourned to 2 o'clock.

AFTERNOON SESSION.

At 2 o'clock the house met.

Mr. T'Vault, on leave, introduced a bill proposing an amendment to the organic law, Which was read a first time, and ordered to second reading.

The following bills were taken up, and ordered to be engrossed for third reading to-morrow;

An act to repeal the act establishing a criminal court;

An act providing for the election of county judges;

A bill providing for the appointment of inspectors;

The bill to locate the county seat of Yamhill county;

The bill to prevent desertion of seamen; and,

The bill to revive an act to locate a road from Multnomah City to the mouth of Mary's river.

Mr. Newell, from select committee, to whom had been referred "The bill to amend an act authorizing S. K. Barlow to construct a road,"

Reported in conformity with instructions.

Mr. Hembree, from committee to whom had been referred the petition of Andrew Hembree, on leave, made a report, accompanied with a bill.

Mr. Hall, from committee to whom had been referred the subject of memorializing congress, made a report,

Which was read a first and second times, and committed to committee of the whole.

The bill to amend an act in favor of S. K. Barlow,

Was read a first time, and,

The rules being suspended,

Was read a second time, and ordered to be engrossed for third reading to-morrow.

On motion of Mr. Hall,

The house went into committee of the whole, and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration

The bill to appropriate money,

And beg leave to report the same back without amendment;

Also, the bill concerning a pilotage; and

Have proposed amendments, and beg leave to report the same back.

The bill to appropriate money,

Was then taken up, and referred to committee on ways and means, with instructions to include it in the general appropriation bill.

The bill to establish a pilotage,

Was taken up, the rules suspended, the bill considered as engrossed, and

Read a third time, and passed.

On motion,

The house adjourned to 10 o'clock to-morrow morning.

THURSDAY, Dec. 17, 1846.

Mr. Hall presented the petition of S. H. L. Meek, praying a charter to construct a road,

Which was referred to the standing committee on post-offices and post-roads.

Mr. Newell, from committee on ways and means, reported a bill on appropriation.

The following bills were read a second time, and ordered to be engrossed for a third reading:—

An act for the relief of A. Hembree, and

An act to amend the organic law.

A bill on apportionment,

Was read a first time, the rules suspended,

The bill read a second time, and committed to committee of the whole.

The following bills were read a third time, and passed:—

An act to establish circuit courts;

An act to repeal an act creating a criminal court;

An act to legalize the acts of the county court of Clatsop county.

Mr. Newell offered the following resolution,

Which was adopted:—

Resolved—That the yeas and nays, on record in the journal of this house, on the bills, resolutions, ond motions, be published in the *Spectator*, according to the way each member voted; and the clerk of this house be required to furnish the editor with a copy of the same, as soon as practicable

Mr. Summers, from committee on enrolled bills, reported as truly enrolled:—

An act to amend the organic law; and

An act on apportionment; and, also,

Two bills presented to the governor, for approval, Dec. 16th, viz.:—

An act to divorce N. W. Colwell; and

An act to regulate the sale and manufacture of ardent spirits.

Mr. Hall, from committee on engrossed bills, reported, as truly engrossed, the following bills:—

An act to establish circuit courts;

An act to appoint inspectors;

An act to revive an act to locate a road from Multnomah City to the mouth of Mary's river;

An act to prevent desertion of seamen;

An act establishing the county seat of Yamhill county.

An act providing for the election of county judges.

An act to amend an act in favor of S. K. Barlow.

On motion,

The house went into committee of the whole;

Mr. Lownsdale in the chair; and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The memorial to congress, and

A bill on appropriation;

And beg leave to report them back to the house.

The following bills were then taken up,

Read a third time, and passed; to wit:—

An act to amend an act to authorize Samuel K. Barlow to construct a road across the Cascade Mountains;

An act providing for the election of county judges;

An act to establish the county seat of Yamhill county;

An act to prevent desertion of seamen;

An act to revive an act to locate a road from Multnomah City to the mouth of Mary's river; and

An act to provide for the appointment of inspectors.

Mr. T'Vault, from committee on post-offices and post-roads, to whom had been referred the petition of S. H. L. Meek for a charter, made a report.

On motion of Mr. Hembree,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

Mr. Hall, from committee on engrossed bills, reported as truly engrossed:—

An act for the relief of Andrew Hembree, and

An act to amend the organic law.

The Speaker announced a communication from the governor.

Mr. Newell offered the following resolution,

Which was adopted:—

Resolved—That the committee on judiciary be instructed to define the duties of auditor, &c., and report a bill to the house on to-morrow morning.

The bill on appropriation,

Was then taken up, and, after being amended, was,

On motion of Mr. Newell,

Laid on the table.

The memorial to congress,

Was then taken up, the rules suspended, the memorial considered as engrossed, and

Read a third time.

The question then recurring on the passage of the memorial, The yeas and nays were demanded, and the memorial passed as follows:—

Yeas—Messrs. Boon, Chamberlain, Hall, Hembree, Looney, McDonald, Meek, Newell, Peers, Summers, Tolmie, T'Vault, and Williams—13.

Nays—Messrs. Lownsdale, Straight, and Speaker—3.

Mr. T'Vault, on leave, presented the petition of sundry citizens of Oregon City, praying to be relieved from certain taxes;

Which was referred to a select committee, consisting of Messrs. T'Vault, Newell, and Summers.

On motion of Mr. Straight,

The house adjourned to 10 o'clock, to-morrow.

FRIDAY, DEC. 18, 1846.

The house met pursuant to adjournment.

Mr. T'Vault, from committee on judiciary, reported:—

A bill to organize probate courts; also, according to instructions,

A bill to establish the office of auditor, and to define the duties thereof.

Mr. Summers, from committee on enrolled bills, reported, as truly enrolled, the following:—

An act to establish circuit courts;

An act to provide for the election of county judges;

An act establishing the county seat of Yamhill county;

An act to revive an act to locate a road from Multnomah City, &c.;

An act to repeal an act creating a criminal court;

An act to legalize the acts of the county court of Clatsop county;

An act establishing a pilotage;

An act to provide for the appointment of inspectors;

An act to amend an act authorizing S. K. Barlow to construct a road, &c.; and, also, two bills delivered to the governor; viz.:—

An act to amend the organic law; and

An act on apportionment.

Mr. T'Vault, from select committee to whom had been referred the petition of citizens of Oregon City, reported a bill in relation thereto.

The Speaker announced the following communication from the governor,

Which the house ordered to be spread at large upon the journals; to wit:—

Oregon City, Dec. 17, 1846.

Gentlemen,—

I return to your honorable body the act entitled "An act to regulate the manufacture and sale of wine and distilled spirituous liquors," with my objections to the same.

Previous to our organization as a provisional government, public sentiment kept liquor from being manufactured or sold in this territory. Heretofore, every act of the legislature has been, as far as ardent spirits were concerned, prohibitory in character. The act laying before me is the first act that has in any manner attempted to legalize the manufacture and sale of ardent spirits. At the session of the legislature in June 1844, an act was passed entitled "An act to prevent the introduction, sale, and distillation of ardent spirits in Oregon," and, as far as my knowledge extends, the passage of that act gave satisfaction to the great majority of the people throughout the territory. At the session of December, 1845, several amendments were proposed to the old law, and passed. The new features given to the bill by those amendments did not accord with the views of the people; the insertion of the words "give" and "gift," in the first and second sections of the bill, they thought was taking away their rights, as it was considered that a man had a right to give away his property if he chose. There were several other objections to the bill, which I set forth to your honorable body in my message. I would therefore recommend that the amendments passed at the Dec. session of 1845, be repealed; and that the law passed on the 24th June, 1844, with such alterations as will make it agree with the organic law, if it does not agree with it, be again made the law of the land. It is said by many that the legislature has no right to prohibit the introduction or sale of liquor, and this is probably the strongest argument used in defence of your bill. But do you not as effectually prohibit every person who has not the sum of one, two, or three hundred dollars to pay for his licence, as does the law now on the statute-book? Are not your proposed fines and penalties as great or greater than those of the old law? Where, then, is the benefit to the people? There is no doubt in my mind, but that the law will be evaded as easily, and as often, under the new law, as it was under the old, and, in addition to this, there will be the legal manufacturers, importers, and sellers, who will be able, under the sanction of law, to scatter all the evils attendant upon the use of alcoholic drinks. We are in an Indian country; men will be found who will supply them with liquor as long as they have beaver, blankets, and horses to pay for it. If a quantity should be introduced among the Walla-wallas, and other tribes in the upper country, who can foretell the consequences—there we have families exposed out, off from the protection of the settlements, and perhaps at the first drunken frolic of the Indians in that region, they may be cut off from the face of the earth. But we need not go so far; we are exposed in every part of our frontier, and when difficulties once commence, we cannot tell where they will cease.

It has been proved before the house of commons that one-half of the insanity, two-thirds of the pauperism, and three-fourths of the crimes of Great Britain, may be directly traced to the use of alcoholic drink. The testimony of our most eminent judges in the United States, shows that the same proportion of crime is attributable to ardent spirits in that country. Statistics might be produced, showing the enormous evil and expense of an indiscriminate use of liquor.

As to revenue, the small amount received for licences, instead of being a revenue, would be swallowed up in the expenses attending trials for crimes, &c., caused by the crime of these licences.

But, leaving all other countries out of view, let us consider our own state. Surrounded by Indians, no military force to aid the executive and other officers in the discharge of their duties, not a solitary prison in the land, in which to confine offenders against the laws, and consequently no way of enforcing the penalties of the law. I think these things should call for calm and serious reflection, before passing your final vote on this bill. My opinion is, the people are opposed to legalizing the introduction and sale of liquor in this land. I may be mistaken, and therefore should be in favor of the old law, or something similar should be adopted, of referring the whole matter to the polls at the next general election. If the people say "no liquor," continue to prohibit; if they say, through the ballot box, "we wish liquor," then let it come free, the same as dry goods, or any other article imported or manufactured; but, until the people say they want it, I hope you will use your influence to keep it out of the territory.

It is with regret that I return any bill unsigned, but I feel that we both have duties to perform, and when we think duty points out the way, I trust we may always be found willing to follow it.

GEO. ABERNETHY.

To the hon. the legislature of Oregon territory.

On motion of Mr. Hall,
The communication,
Was laid on the table.

Mr. Straight presented an account of H. M. Knighton, against the territory,

Which was referred to the standing committee on claims.

Mr. Newell, on leave, introduced a bill fixing the salary of prosecuting attorney.

Mr. T'Vault moved to reconsider the vote taken yesterday on the adoption of the memorial to congress, upon which,

The yeas and nays being ordered, was decided affirmatively, as follows:—

Yeas—Messrs. Boon, Chamberlain, Hall, Hembree, Lownsdale, Looney, McDonald, Meek, Newell, Peers, Summers, Straight, Tolmie, T'Vault, Williams, and Speaker—16.

Nays—None.

Mr. Hall moved that the committee which reported the memorial be permitted to withdraw the same,

Which motion was rejected.

On motion of Mr. Newell,

The memorial was recommitted to committee of the whole.

The following bills were read a first time,

The rules were suspended, and

The bills read a second time, and severally committed to committee of the whole:—

A bill creating the office of auditor of public accounts, and defining the duties thereof;

A bill establishing probate courts;

A bill amendatory of the act incorporating Oregon City;

A bill fixing the salary of prosecuting attorney.

The bill for the relief of A. Hembree,

Was read a third time, and laid on the table.

The bill proposing an amendment to the organic law,

Was taken up, and

The question being taken, on its final passage, by yeas and nays, the bill was lost, by the following:—

Yeas—Messrs. Boon, Chamberlain, Newell, Tolmie and T'Vault—5.

Nays—Messrs. Hall, Hembree, Lownsdale, Looney, McDonald, Meek, Peers, Summers, Straight, Williams, and Speaker—11.

On motion of Mr. Newell,

The message of the governor was taken up.

Mr. T'Vault moved to reconsider:—

The bill to regulate the manufacture and sale of ardent spirits, when,

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

A call of the house was made, and

The sergeant-at-arms despatched for the absent members, who, after a short absence, returned, and reported that the absentees had been notified, and were now present.

Thereupon, the further call of the house was dispensed with.

The house then reconsidered :—

The bill to regulate the manufacture and sale of ardent spirits, and, after some deliberation,

The question being put upon the passage of the bill, was decided affirmatively, by the following :—

Yeas—Messrs. Boon, Hall, Hembree, Lownsdale, Looney, Meek, Summers, Straight, T'Vault, Williams, and Speaker—11.

Nays—Messrs. Chamberlain, McDonald, Newell, Peers, and Tolmie—5.

On motion of Mr. Hall,

The house adjourned to 6 o'clock this evening.

EVENING SESSION.

At 6 o'clock, P.M., the house met.

On motion of Mr. T'Vault,

The house took up :—

A bill for the relief of Andrew Hembree, and

A bill on appropriation.

Mr. T'Vault offered an amendment, by way of rider, to the former bill,

Which was accepted, and

The bill then passed.

On motion of Mr. Straight,

The bill on appropriation,

Was laid on the table.

The house then went into committee of the whole,

Mr. Meek in the chair.

After some deliberation therein,

The committee rose and reported as follows :—

Mr. Speaker,—The committee have had under consideration :—

The memorial to congress,

Have proposed amendments, and beg leave to report the same back to the house ;

Also, a bill organizing probate courts,

And report the same back without amendment ;

Also, a bill to amend the act incorporating Oregon City,

And report the same back, without adoption ;

Also, a bill fixing the salary of prosecuting attorney,

And report the same back, unamended;

Also, a bill concerning auditor of public accounts,

And report back, unamended.

The house then took up:—

The memorial to congress,

And referred it to a select committee, with instructions to report at 10 o'clock to-morrow morning.

Messrs. T'Vault, Peers, and Summers, were appointed said committee.

On motion of Mr. Hall,

The committee on ways and means was instructed to report a revenue bill, on to-morrow morning.

The following bills were taken up, considered as engrossed,

Read a third time and passed:—

An act establishing probate courts;

An act establishing the office of auditor of public accounts; and

An act fixing the salary of prosecuting attorney.

On motion,

The house took up:—

The appropriation bill, and,

On motion of Mr. Newell,

It was recommitted to committee of the whole.

On motion,

The rules were suspended, to allow Mr. Summers to introduce a bill in relation to the salary of circuit judges.

The bill was read a first and second times, and committed to committee of the whole.

On motion,

The house went into committee of the whole,

Mr. Newell in the chair; and,

After some deliberation therein,

The committee rose and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The appropriation bill,

And have proposed amendments thereto, and beg leave to report the same back to the house;

Also, a bill in relation to the salary of circuit judges,

And report the same back, unamended.

The house then took up:—

The bill in relation to salary of circuit judges.

Mr. T'Vault offered an amendment,

Which was adopted.

The rules were suspended, the bill considered as engrossed, and

Read a third time, when

Mr. T'Vault offered an amendment, by way of rider,

Which was accepted,

Read a second time, and considered as engrossed.

The bill, as amended, was then read a third time, and passed.

On motion,

The rules were suspended, and

Mr. Hall permitted to introduce:—

A bill in relation to the taking effect of acts, not otherwise provided for,

Which bill was read a first time, and,

The rules being further suspended,

Was read a second time, considered as engrossed,

Read a third time and passed.

The house then adjourned to 10 o'clok to morrow morning.

SATURDAY, Dec. 19, 1846.

Mr. Newell, from committee on ways and means, in compliance with instructions, reported:—

A revenue bill.

Mr. Summers, from committee on enrolled bills, reported nine bills delivered to the governor for approval; to wit:—

An act to establish circuit courts;

An act providing for the election of county judges;

An act to locate the county seat of Yamhill county;

An act to revive "An act to locate a road from Multnomah City, &c.;"

An act to repeal the "Act creating a criminal court;"

An act legalizing the acts of Clatsop county courts;

An act to establish a pilotage;

An act to appoint inspectors;

An act to authorize S. K. Barlow to construct a road, &c.; and,

Also, as correctly enrolled:—

An act to prevent desertion of seamen.

Mr. T'Vault, from select committee to whom had been referred the memorial to congress, reported the same back with amendments,

Which were accepted, and the memorial ordered to be engrossed.

Mr. Newell offered the following,

Which was adopted:—

Resolved—That the secretary of state be instructed to insert the titles and enacting clauses to all bills, where the same have been omitted by this house.

On motion,

The rules were suspended, and

Mr. Straight permitted to introduce a bill in relation to the post-office department,

Was read a first time, the rules suspended, and,

The bill read a second time, considered as engrossed,

Read a third time, and passed.

A bill in relation to revenue,
Was read a first time, the rules suspended,
The bill read a second time, considered as engrossed,
Read a third time, and passed.
The appropriation bill,
Was read a third time, and passed.
On motion of Mr. Newell,
A committee of five was appointed to ascertain what officers are to be elected by this house.
Messrs. T'Vault, Meek, Hall, Hembree, and Looney, were appointed said committee.
On motion,
The house adjourned to 2 o'clock, P. M.

AFTERNOON SESSION.

The house met at 2 o'clock.
The Speaker announced a communication from the governor.
Mr. T'Vault, from select committee to ascertain what officers are to be elected by this house, made report.
Mr. Meek, on leave of the house, introduced a bill to divorce Elizabeth Gillihan, from her husband,
Which was read a first time, the rules were suspended,
The bill was read a second time, considered as engrossed, and
Read a third time.
The question then recurring on the passage of the bill.
The yeas and nays were ordered, and were as follows:—

Yeas—Messrs. Boon, Hembree, Looney, Meek, Peers, Straight, Tolmie, T'Vault, Williams, and Speaker—10.

Nays—Messrs. Chamberlain, Hall, Lownsdale, Newell, and Summers—5.

Absent—Mr. McDonald.

So the bill passed.

NOTE.—The remaining portions of this journal was not found in the Archives.—Com.

TREASURER'S REPORT.

State of the Treasury, December, 1846.

FUNDS IN HAND.

Amount due by George Abernethy, per account	$81 54
“ “ “ John H. Couch .	16 92
“ “ “ F. W. Pettygrove	11 27
“ “ “ H. B. Comp. (Fort Vancouver) .	16 42
	$126 15

LIABILITIES.

Amount due H. B. Comp. (Oregon City) .	$140 94
“ collected of estate of Ewing Young .	2,815 00
Scrip outstanding at this date, not paid . .	1,879 64
	$4,835 58

Receipts since Dec. 1, 1846, to date.

Taxes from John R. Jackson, sheriff, Lewis County .	$24 58
“ “ “ “ Vancouver Co.	57 73
“ “ William Holmes, “ Clackamas “	115 00
License paid by R. K. Payne . . .	100 00
“ “ “ H. N. Winslow . . .	100 00
Absentee tax, paid by John R. Jackson (Vancouver)	10 00
	$407 31

Taxes from John R. Jackson (error).
The receipts since Dec. 1, 1846, have been paid me wholly in scrip.

Interest paid on scrip, Dec. 9, $3 59 . .	$3 59
	403 72
Balance Liabilities	$4,431 86

JOHN P. BROOKS, *Deputy Treasurer.*

Dec. 9, 1846.

AMOUNTS DUE

On Appropriations of 1844 *and* 1845, *at Dec.*, 1846.

Balance of appropriation for pay of legislature	$25 00
Balance due for pay of jurors	54 90
Contingent expenses of the house	43 79
Expenses of supreme and criminal courts	80 00
Governor's salary—whole amount paid, ending his last quarter, October 1846	.. ..
Judge of supreme court, quarter ending Dec. 6, 1846	50 00
" " criminal " " " " " "	50 00
Circuit attorney, quarter ending Sept. 12, 1846	136 13
Superintendent Indian affairs	50 00

Paid of the above up to date:—

P. H. Burnett, Dec. 8, one quarter's salary, S. J.	50 00
" " " " " " " C. J.	50 00

JOHN P. BROOKS, *Deputy Treasurer.*

Dec. 9, 1846.

MESSAGE

Of the Governor of Oregon Territory, Dec. 7, 1847.

To the Hon. the Legislative Assembly of Oregon Territory.

FELLOW CITIZENS,—

Contrary to the expectation of all who reside in this territory, you are again convened under the *Provisional Government* of Oregon. After learning that the boundary line question was settled, there was hardly a doubt resting in the mind of any individual with regard to the extension of the jurisdiction of the United States over this territory. We have been sadly disappointed, and hope, which was so fondly cherished, begins to sink into despair in the hearts of many.

Our situation is not a pleasant one, on account of the uncertainty of it. We may be, in less than six months, under the laws and government of the United States; and we may, on the other hand, exist in our present state several years. This uncertainty will, no doubt, embarrass you in your proceedings. If we remain as we are, for any length of time, ways and means must be devised for raising a more extensive revenue. The laws should be published in a convenient form; a fund set apart for treating with Indians, and many other things provided for, that we have thus far dispensed with; but which must be attended to, in order that we may carry out the principles under which we have associated.

This being the first session of the present congress, they will have more time to devote to the formation of a government for this territory, than at the last session. The probability is that peace between the United States and Mexico will have been restored, and relieve congress from the cares and anxieties attendant upon a war, and also relieve the government from the very heavy expense which must necessarily attend the carrying on of a war. These things lead to the hope that among the first acts of congress, will be the passage of an act to establish a territorial government in Oregon.

This will release us from our present embarassments, and place us under a permanent form of government. Hoping that this may be the case, I will call your attention to such subjects as are most pressing in their character, and which cannot well be dispensed with. The judiciary, as now regulated, answers every purpose required of it, and proves to be a far better system than the old one. There is one thing, however, needed very much, in connection with it, and that is a prison. Should an offender be sentenced to imprisonment by the judge, there is no place in the territory to confine him, and, consequently, he escapes the punishment his crimes justly merit. This should not be so, and I hope you will provide means, during your present session, for the erection of a jail.

In my message of 1845, I recommended that, in addition to gold and silver, wheat should be the only article used in the country as a legal tender. The legislature added treasury drafts, and orders on solvent merchants. I would recommend the repeal of that part of the act which makes treasury drafts, and orders on solvent merchants, a lawful tender—receiving treasury drafts, however, in payment of taxes and debts due the government. Gold and silver are much more plentiful in the territory now, than two years ago, and could be made the only lawful tender without detriment to the community, still I think wheat had better remain in connection with gold and silver; it is a staple article, and can always be disposed of to merchants and others.

I would recommend an alteration in the law relating to the recording of land claims. The organic law requires that claims be recorded in the office of the territorial recorder; this answered very well while our population was small, and nearly all living in one district; but our population is increasing rapidly, and spreading over a large extent of country, new counties have been formed, and probably, in a short time, others will be set off, and lands taken up still further from the territorial recorder's office, than at the present time. In view of this I think it advisable that you propose an amendment to the organic law, making the clerk of the county court recorder of all land claims located within his county, and dispense with the office of territorial recorder.

The act entitled "An act to regulate the manufacture and sale of wine and distilled spirituous liquors," passed at the last session of the legislature, I would recommend for revision. An act to prevent the introduction, manufacture, and sale of ardent spirits in Oregon, would be far more preferable to a majority of the people of this territory. In our early history ardent spirits were unknown among us; every effort was made to keep it out of the territory, and, to a great extent, successfully, until 1846, when, owing to the defects in the law passed at the session of 1845, some person violated the statutes, and liquor was made and sold in the territory; but it was not done openly, nor carried on to any great extent. The last legislature licensed the manufacture and sale of ardent spirits. I hope the present legislature will repeal the license law. Would it not be better to have the law opposed to ardent spirits, than to have the manufacture and sale of it legalized by the statute. It is argued by some persons that you have not the right to put it down, and by others, that it is interfering with the liberties of the people, and depriving them of their rights. I think you have the right to prevent its introduction; no one can dispute your right to regulate it down to the medical profession. With regard to taking away the liberties of the people, prohibitory laws ~~are~~ passed by all legislatures. I will simply give one instance. In a law of Massachusetts, passed 23rd March, 1833, it is declared that any person who shall, in violation of the law, sell a lottery ticket, or knowingly suffer one to be sold, in any building owned or rented by him, within the commonwealth, he shall forfeit and pay a sum not less ~~than~~ one hundred, nor more than two thousand dollars; and that if any person, after conviction, shall repeat the offence, he shall be sentenced for every subsequent offence, to labor in the house of correction, or in the common jail, for a term of time not less than three months, nor more than twelve months. This was not considered by the people as taking away their liberties, though it deprives some of the liberty of ruining themselves, and others from making money out of their ruin. And is not this statute founded in the true principles of legislation, not to license evil, but to defend the community from it? Other states have passed similar laws. When a crime is committed by any person when under the influence of liquor, where does the responsibility rest? The individual, when sober, informs us he did not know what he was doing;—the seller says, I have a license to sell liquor, and sold it to him, according to law. Would it not be for the interest of the territory to take away this plea from the seller? The license system throws a bulwark around the dealer in ardent spirits, behind which he entrenches himself. Remove this bulwark, place the law against him, and public sentiment will put him down. The temperance cause is an onward one; we hear of state after state deciding through the ballot box, that no license to sell liquor shall be granted within its bounds; and the supreme court at Washington, to which several cases had been carried up from the circuit courts arising from the liquor question, decided at the last term of the court that the states have a right to regulate the trade in, and the licensing of, the sale of ardent spirits.

Our organic law says that the legislature shall have the power to regulate the introduction, manufacture, or sale of ardent spirits. In the United States, some of the states prohibit the granting of licenses. The supreme court says the states have the right to regulate the licensing of the sale of ardent spirits, and, under the right to regulate, the states prohibit, and the court upholds them in it.

The question, shall the license system be continued, or shall the introduction, manufacture, and sale of ardent spirits, be prohibited? is in your hands; and, I hope, in deciding upon it, you will take the happiness and future prosperity of the territory into your consideration. You are well aware of our situation, with regard to the Indian population, and have seen the effect liquor has upon them. You may have heard them say, if the Boston people would not furnish us liquor, we would not become such fools. I leave the question with you, sincerely hoping that, should we come under the jurisdiction of the United States, the coming year, we may be found with a law on our statute books prohibiting the sale of ardent spirits in this territory.

Our relation with the Indians becomes every year more embarrassing. They see the white man occupying their land, rapidly filling up the country, and they put in a claim for pay. They have been told that a chief would come out from the United States, and treat with them for their lands; they have been told this so often that they begin to doubt the truth of it; at all events, they say he will not come till we are all dead, and then what good will blankets do us? we want something now. This leads to trouble between the settler, and the Indians about him. Some plan should be devised by which a fund can be raised, and presents made to the Indians, of sufficient value to keep them quiet, until an agent arrives from the United States. A number of robberies have been committed by the Indians in the upper country, upon the emigrants, as they were passing through their territory. This should not be allowed to pass. An appropriation should be made by you, sufficient to enable the superintendent of Indian affairs to take a small party in the spring, and demand restitution of the property, or its equivalent in horses. Without an appropriation, a sufficient party could not be induced to go up there, as the trip is an expensive one.

The emigration, the past season, has been much larger than any preceding one, amounting to between four and five thousand souls. They have all arrived in the settlements, unless a few families should still be at the Dalles and Cascades, and scattered themselves over the territory. The most of them are farmers and mechanics; they will add much to the future welfare and prosperity of Oregon.

During the past year we have been visited by a number of vessels, some of them drawing more water than the vessels which have usually visited us. I am happy to say they received full cargoes on board, and crossed the bar in safety. The provisions of the pilot law have been carried out, and its good effects are already visible. The able pilot at the mouth of the river, has made himself thoroughly acquainted with the channels and currents, thus diminishing the dangers formerly attending vessels coming into the river. The time is not far distant, when our river will be entered with more ease and facility than many of the ports in the United States, on the Atlantic coast, and captains will wonder why the entrance was so much dreaded; forgetting that they are reaping the benefits of experience.

The cause of education demands your attention. School districts should be formed in the several counties, and school-houses built. Teachers would be employed by the people, I have no doubt, and thus pave the way for more advanced institutions.

In closing, allow me to unite with you in expressions of gratitude to that Being who has preserved us during the past year, and granted us the blessings of health, peace and prosperity. May we continue to merit his mercies, by acknowledging our dependence on him, and keeping his law before us.

GEO. ABERNETHY.

Oregon City, Dec. 7th, 1847.

REPORT OF AUDITOR.

Treasury Department, Auditor's Office,
Oregon City, Dec. 7, 1847.

The auditor of public accounts has the honor of laying before the house of representatives his report, showing the amount of claims audited by him, for the year ending on the 1st December, 1847; together with a full abstract of the state of the treasury, so far as the same has yet come within the duties of his office.

Whole amount of warrants drawn upon the treasury $3243 06;

Which warrants were drawn under the following heads of appropriations, as exhibited in the tables hereunto annexed; to wit:—

Heads of Appropriations	Amount Appropriated.	Amount Expended.	Amount Unexpended.
For relief of Fred. Prigg	$27 88	$27 88	
" " " A. L. Lovejoy.	34 25	34 25	
" " " J. W. Nesmith .	60 00	60 00	
" " " estate of J.E.Long	150 00	150 00	
" " " S. W. Moss .	100 00	100 00	
" " " P. O. department.	116 00	116 00	
" " " H. B. company	140 94		140 94
To pay of unpaid officers of last quarter . .	494 82		494 82
To pay of legislature to 19th Dec. 1846 .. .	1000 00	888 60	111 40
To pay of judiciary department	1500 00	987 75	512 25
" " " executive "	300 00	300 00	
" " " Indian "	200 00	150 00	50 00
" " " contingent expenses	100 00	41 19	58 81
" " " H. M. Knighton .	32 12	32 12	
Special account for amount due Andrew Hembree . .	226 75	226 75	
Amount drawn under appropriation of Dec. 1846 .	....	....	

Heads of Appropriations.	Amount Appropriated	Amount Expended.	Amount Unexpended.
To which add the amount drawn on the different balances of appropriations, as per treasurer's report of quarter, Dec. 1846; to wit:—			
For pay of legislature .	25 00	24 60	40
" " " jurors . .	54 90	9 34	45 56
Contingent expenses . . .	43 79		43 79
Expenses of supreme and criminal courts .	80 00	10 95	69 05
Circuit attorney . .	136 13	33 65	102 48
Superintendent Indian affairs	50 00	50 00	

Total amount of warrants drawn on the treasurer, which were for claims audited in favor of the following persons, for the several amounts and in the order exhibited in the following tables; to wit:—

Voucher No.	1	Lawrence Hall . . .	$42 40
" "	2	Robert Newell . .	42 60
" "	3	D. H. Lownsdale . . .	41 00
" "	4	J. D. Boon . . .	46 00
" "	5	Jessey Looney . . .	50 00
" "	6	J. E. Williams . . .	38 00
" "	7	W. G. T'Vault, P. M. general .	116 00
" "	8	W. G. T'Vault . . .	36 00
" "	9	A. Chamberlain . . .	43 00
" "	10	Geo. Summers . .	63 00
" "	11	Hiram Straight . . .	58 00
" "	12	J. W. Nesmeth . .	69 00
" "	13	A. L. Lovejoy . . .	34 25
" "	14	A. McKinley . . .	2 25
" "	15	N. Huber . . .	38 00
" "	16	N. Huber . . .	11 00
" "	17	A. J. Hembree . . .	41 00
" "	18	H. N. Peers . . .	44 00
" "	19	J. L. Meek . . .	43 00
" "	20	L. W. Moss . . .	100 00
" "	21	H. M. Knighton . . .	93 00
" "	22	H. M. Knighton . .	32 12
" "	23	Frederick Prigg . . .	27 88
" "	24	A. L. Lovejoy . . .	38 00
" "	25	W. F. Tolmie . . .	68 00

Voucher No. 26	Estate of J. E. Long	$150 00
" " 27	T. McGruder	22 00
" " 28	Thos. Oivent	3 52
" " 29	Peter H. Burnett	12 75
" " 30	Angus McDonald	42 60
" " 31	A. Hembree	226 75
" " 32	Noyes Smith	8 00
" " 33	John Edmunds	5 40
" " 34	Robert Newell	24 60
" " 35	A. L. Lovejoy	33 65
" " 36	A. L. Lovejoy	75 00
" " 37	A. A. Skinner	200 00
" " 38	Charles Rondo	3 94
" " 39	J. Quinn Thornton	50 00
" " 40	A. L. Lovejoy	75 00
" " 41	A. A. Skinner	200 00
" " 42	J. Quinn Thornton	50 00
" " 43	Oregon printing association	35 42
" " 44	A. A. Skinner	200 00
" " 45	A. L. Lovejoy	75 00
" " 46	James W. Boyle	10 95
" " 47	J. Quinn Thornton	50 00
" " 48	George Abernethy	300 00
" " 49	George Abernethy	150 00
" " 50	George Abernethy	50 00
		$3243 08

LIABILITIES.

The following are items of liabilities, as exhibited in the treasurer's report of December 9, 1846; to wit:—

Amount due H. B. company, at Oregon City	$140 94
Amount collected of estate of Ewing Young	2815 00
Amount of scrip outstanding	1475 92
Amount	$4431 86

ASSETS.

The following are items of assets, as exhibited in the treasurer's report of December 9, 1846; to wit:—

Amount due by George Abernethy, & Co., per account	$81 54
" " " John H. Couch	16 92
" " " F. W. Pettygrove	11 27
" " " H. B. company, at fort Vancouver	16 42
Amount	$126 15

ASSETS—(*continued*).

Amount of assessment of territorial revenue in Clackamas county, for 1847, as per report of county clerk of Nov. 1847	$714 10
Amount of assets	$840 25

RECAPITULATION.

Amount of liabilities per treasurer's report of quarter Dec. 1846	$4431 86
For warrants drawn for fiscal year	3243 08
	$7674 94

The foregoing statements do not show the true state of the territorial accounts. Various sums have, no doubt, been received into the treasury during the year, which were not reported to the auditor's department, in the absence of directory statutes to that effect. All of which is respectfully submitted.

G. W. BELL.

REPORT OF TREASURER.

December 9, 1847.

The treasurer of Oregon territory most respectfully reports to the honorable legislature of Oregon, that:—

The amount of scrip issued by former treasurers, is		$7752 12
Amount issued by me		1151 07
Making the gross amount issued		$8903 19
From which take the amount redeemed by former treasurer	$4328 83	
Amount redeemed by me	450 90	
Making gross amount redeemed	$4779 73	4779 73
Leaving the amount of outstanding scrip		$4123 46
From which take the amount of funds in the treasury		43 72
Which leaves the amount of liabilities unprovided for		$4079 74

The amount of $1151 07, issued by me, was as follows:—

For auditor's draft	$550 00
For 10 per cent. on $157 22, paid in by R. E. Wiley	15 71
Amount issued in making change	185 36
Amount issued to Clackamas county for errors of former treasurer	400 00
Making in all	$1151 07

	Dr.	
The amount received of former treasurer	$38 63	
“ “ of absentee tax collected	60 00	
“ “ licenses collected	70 00	
“ “ scrip issued	1151 07	
“ “ received of R. E. Wiley, sheriff of Tuality county	157 22	
Amounting in all to	$1476 92	1476 92

	Cr.	
Amount on deposit at G. Abernethy	$28 63	
“ “ “ “ H. B. company	10 00	
“ “ “ “ Kilbourn and Co.	5 09	
Interest paid	16 59	
Scrip redeemed	450 90	
10 per cent. paid R. E. Wiley on $157 22	15 71	
Auditor's draft	550 00	
Amount paid Clackamas county, for error in licenses	400 00	
Amounting in all to	$1476 92	1476 92

In addition to the foregoing, and as a part of the same, I beg leave to submit the former treasurer's report.

WM. K. KILBORN, *Treasurer.*
By N. SMITH, *Deputy Treasurer.*

Oregon City, Dec. 9, 1846.

TREASURER OF OREGON TERRITORY TO SUNDRIES.

1847.	Dr.
To balance . .	$39 53
" licenses collected .	515 00
" taxes from sheriff Holmes, Clackamas county . . .	115 00
" taxes from sheriff Martin, Champoic	133 25
" " " " Baker, Yamhill	20 00
" " " " Mulkey, Tuality .	27 75
" " " " Wiley, "	120 14
" " " " Jackson, Vancouvier . . .	165 26
" taxes from sheriff Jackson, Lewis	110 89
" absentee tax collected.	345 00
" scrip issued	2912 60
	$4,504 42 — 4,504 42

SUNDRIES: DR. TO TREASURER.

By scrip paid	$1377 61
" and ords drafts (on file) .	2693 08
" paid estate Le Breton . .	7 29
" " H. B. comp. (Falls) their acct.	140 94
" " interest on scrip .	43 26
" " treasurer (bill on file) .	203 66
" balance (funds in hands)	38 63
	$4,504 47 — 4,504 47

Difference 5 cents.

JOHN H. COUCH.
Per JOHN P. BROOKS.

Oregon City, October 15, 1847.

O. A.—28.

Oregon City, 17th Dec., 1847.

GENTLEMEN,—

Inclosed I beg leave to hand you a communication, received from Robert Greenham, Esq., of Washington City, D.C., accompanied by six copies of his *History of Oregon and California*, and eighteen pamphlets. With this I send copies of the book and pamphlet. I also annex a copy of my letter to Mr. Greenham, acknowledging the receipt of the books and his letter.

I remain, your obedient servant,

GEO. ABERNETHY.

To the Hon. the Legislature of Oregon.

(COPY.)

Oregon City, 16th October, 1847.

DEAR SIR,—

I beg leave to acknewledge the receipt of your letter of 2nd Sept., 1846, on the 16th September, 1847, together with the copies of your valuable work on Oregon and California.

Our legislature will convene on the first Tuesday in December, when I shall take pleasure in presenting your letter with the accompanying books to them, for them to dispose of agreeable to your wishes.

I remain, dear sir, your's truly,

GEO. ABERNETHY,

Governor of Oregon Territory.

To Robert Greenham, Esq., Washington City.

To the Governor and Legislature of Oregon.

Washington City, Sept. 2, 1846.

GENTLEMEN,—

I have the honor to send to you six copies of my *History of Oregon and California*, with the request that you will dispose of them in such manner as you consider them to deserve, except that I wish one copy to be presented to Dr. McLoughlin, of the Hudson's bay company, and, if possible, one to my friend Dr. Whitman, of Walla-walla.

In the composition of the history I have been guided by the desire to find out and make known *the truth, the whole truth, and nothing but the truth.* It has cost me many years of labor in research, and I shall be gratified should it prove satisfactory to my fellow-citizens, in the country which forms the subject.

I am, gentlemen, with great respect, your obedient servant,

ROBERT GREENHAM.

JOURNAL

Of the House of Representatives,

Of the Legislature of Oregon, begun and held at Oregon City, in pursuance of the Organic Law, on Tuesday, the 7th day of December, A.D. 1847.

At 11 o'clock, A.M., the members met, at the office of Dr. Prigg, when,

On motion,

Dr. Newell was called to the chair, and

C. W. Cooke chosen clerk, *pro. tem.*

On motion,

A select committee, consisting of Messrs. Hembree, Ford, Meek, Wair, and, Plomondean, was chosen to procure a room for the permanent location of this session.

On motion,

The house then adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The house met at 2 o'clock.

Mr. Hembree, from committee appointed to procure a room, reported that the room now occupied by Stephen Meek, can be obtained for $1 25 per day,

Which report was accepted.

On motion,

The house then adjourned to the house of Mr. Meek, at 9 o'clock, A.M., to-morrow.

WEDNESDAY, DEC. 8, 1847.

On motion,

Dr. Wilcox, of Tuality county, was called to the chair.

Mr. Nesmith moved the final action of the house upon the report of the committee to procure a room, and

The question, shall the report be rejected, being put,

Was decided in the affirmative.

On motion,

The house then adjourned to meet in 30 minutes, at the Methodist Church.

The house met pursuant to adjournment.

Dr. Wilcox in the chair, called for the certificates of election of members returned to sit in this house.

The following members presented their credentials, received the oath of office, and took their seats.

From Clackamas county—M. Crawford, J. M. Wair, and S. S. White;

From Champoeg county—W. H. Rector, W. H. Reece, A. Chamberlain, A. Cox, and Robert Newell;

From Polk county—J. W. Nesmith and M. A. Ford;

From Yamhill county—A. J. Hembree and L. Rogers;

From Twality county—R. Wilcox, D. Hill, and J. L. Meek;

From Clatsop county—J. Robinson;

From Lewis county—S. Plomondean;

From Vancouver county—

The house then proceeded to its final organization.

The chair appointed Messrs. Crawford and Hembree to act as tellers for the election of speaker and other officers.

Ralph Wilcox, D. Hill, and Robert Newell, being in nomination;

On counting the first ballot it was found that:—

Mr. Hill had 1 vote;

Blank, 2;

Mr. Newell had 14 votes;

Which being a majority of all the votes cast, he was declared duly elected speaker of the house.

Being conducted by a committee of three to the chair,

Mr. Newell, in a brief and appropriate manner, returned his thanks to the house.

On motion of Mr. Meek,

The house then went into the election of clerk of the house.

J. E. Lyle, Geo. L. Curry, and Calvin W. Cooke, being in nomination;

On the first ballot:—
Mr. Curry had 8 votes; and
Mr. Cooke had 9 votes;
Which being a majority of all the votes cast,
Mr. Clarke was declared duly elected clerk of the house.

On motion,
The house then proceeded to the election of engrossing clerk.
Mr. T'Vault, Mr. Curry, and Mr. Lyle, being in nomination;
It was found, on counting the votes, that:—
Mr. Curry had 2 votes;
Blank, 1;
Mr. Lyle had 14 votes;
Which being a majority of all votes cast,
He was declared duly elected engrossing clerk.

The house then proceeded to the election of an officer to perform the duties of sergeant-at-arms and door-keeper.

Mr. Holmes and Mr. S. H. Meek, being in nomination;
On the first ballot:—
Mr. Holmes had 9 votes, and
Mr. Meek had 7 votes;
Mr. Holmes was declared duly elected sergeant-at-arms.

On motion of Mr. Wair,
The Speaker appointed a committee of three to invite the attendance of a chaplain, consisting of Messrs. Wair, Meek, and Hill.

On motion of Mr. Hill,
The rules of last session were temporarily adopted for the use of this house.

On motion of Mr. Nesmith,
A committee of three was appointed to wait on the governor, and inform him that the house is now organized, and ready to receive any communication he may have to make.

Messrs. Reece, Hembree, and Nesmith, were appointed.

After a short absence the committee returned and reported that they had discharged their duty, and received in answer that the governor would forthwith present his communications.

The speaker presented the message of the governor,
Which was read by the clerk, and,
On motion,
Laid on the table.
On motion,
The house adjourned to 2, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

The sergeant-at-arms announced a special communication from the governor, Which was read by the clerk, consisting of a number of letters from Messrs., of the forts on the Columbia, announcing the horrid murder of Dr. Whitman, family, and others, accompanied by a letter from the governor, praying the immediate action of the house in the matter.

Mr. Meek moved the reference of the communication to a committee of the whole house,

Which was lost.

Mr. Nesmith offered the following,

Which was adopted :—

Resolved—That the governor is hereby required to raise, arms, and equip a company of riflemen, not to exceed fifty men, with their captain and subaltern officers, and despatch them forthwith to occupy the mission station at the Dalles, on the Columbia river, and hold possession of the same until reinforcements can arrive at that point, or other means be taken, as the government may think advisable.

Messrs. Nesmith, Reece, and Crawford, were appointed a committee to wait on the governor, and inform him of said resolution.

The communications concerning the Indian depredations,

Were referred to a select committee, consisting of Messrs. Ford, Rector, and White.

The committee appointed to wait on the governor, concerning the resolution for raising a company of riflemen, reported that they had discharged their duty, and received in answer that the governor will use his utmost endeavours to accomplish the object.

On motion,

Messrs. Meek, Cox, and Hill, were appointed a select committee to procure stationery, &c., for the use of the house.

The committee appointed to report rules for the house, reported that they recommend the adoption, permanently, of the rules of the last session,

Which was done.

On motion,

The house adjourned to 9 o'clock to-morrow morning.

THURSDAY, Dec. 9, 1847.

Mr. Robinson presented the petition of sundry citizens of Clatsop county, praying for a territorial road from Clatsop plains to Twality plains, which,

On motion of Mr. Hill,

Was referred to a select committee, consisting of Messrs. Hill, Meek, and Robinson.

The committee appointed to procure stationery, reported, and

Were dismissed.

The committee on the special communication of the governor, reported a bill, to be entitled "An act authorizing the governor to raise a regiment of volunteers,"

Which was read a first time.

The committee appointed to procure the attendance of a chaplain, reported, and

Were discharged.

On motion,

The rules were suspended.

The bill to raise a regiment of volunteers,

Was read a second time, and,

On motion of Mr. Nesmith,

It was taken up for the business of the day, and referred to a committee of the whole house.

On motion,

The house then went into committee of the whole,

Mr. Reece in the chair, and,

After continuing some time therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The act authorizing the governor to raise a regiment of volunteers,

And beg leave to report the same back without amendment, with instructions to refer it for amendment to the committee whence it was derived.

On motion of Mr. Hill,

A member for each county was added to the select committee.

On motion,

The house adjourned to 2 o'clock P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

The committee to whom was referred the "Act authorizing the governor to raise a regiment of volunteers," reported the bill with amendment,

Which was read a first time, and,

The rules being suspended,

The bill was read a second time, and referred to committee of the whole.

The house then resolved itself into committee of the whole,

Mr. Crawford in the chair.

At 11 A.M., the committee rose, and reported as follows:—

Mr. Speaker,—The committee of the whole, to whom was referred the "Act to authorize the governor to raise a regiment of volunteers," have had the same under consideration, and beg leave to report the same back to the house with amendments;

Which report being accepted,

The bill was ordered to the engrossing clerk to be engrossed.

On motion,

The governor's message was then taken up, and referred to the different standing committees.

That portion relating to land claims,

To a select committee, consisting of Messrs. Nesmith, Hembree, and Wair.

The bill to raise a regiment of volunteers,

Was brought in by Dr. Wilcox, signed "truly engrossed,"

Read a third time, and passed.

On motion,

The house then adjourned to 9 o'clock to-morrow.

FRIDAY, Dec. 10, 1847.

On motion of Mr. Wair,

The house proceeded to the election of a chaplain, by ballot,

Which resulted in the choice of the Rev. Mr. Roberts.

The bill to raise a regiment of riflemen, passed by the house, and sent to the governor for his signature,

Was returned with his objections to the same.

On motion of Mr. Nesmith,

It was read a first time, and,

The rules being suspended,

It was read a second time by its title.

The Speaker declared it then open for amendment, and, after being amended,

The bill was put upon its third reading and passed.

The Speaker announced a communication from Jesse Applegate, urging the necessity of sending, forthwith, a special messenger to the United States;

Read, and referred to a select committee, consisting of Messrs. Nesmith, Wair, and Meek.

Mr. Nesmith, from said committee, offered the following,

Which was adopted:—

Resolved—That, in view of our critical situation with the powerful tribes of Indians inhabiting the banks of the Columbia, and with whom we are actually in a state of hostilities, it is the duty of this legislature to dispatch a special messenger, as soon as practicable, to Washington City, for the purpose of securing the immediate influence and protection of the United States government, in our internal affairs.

On motion,

The commissioners, appointed to negotiate a loan, were furnished with a copy of said resolution.

Mr. Nesmith presented sundry petitions from citizens of Polk county, praying a division thereof, which,

On motion of Mr. Ford,

Were laid on the table.

Mr. Nesmith gave notice that, on Monday next, he would introduce a bill to provide for sending a special messenger to the United States.

On motion,

The house adjourned to 9 o'clock, to morrow morning.

SATURDAY, DEC. 11, 1847.

On motion of Mr. Wair,

A select committee was appointed for the purpose of procuring a school room for Mrs. Thornton, she having surrendered to the house her school room during the session.

Messrs. Wair, Hembree, and Cox, were appointed said committee.

On motion of Mr. Nesmith,

A select committee was appointed to wait on the treasurer and auditor, and receive their reports, consisting of Messrs. Nesmith, Rector, and Crawford.

On motion of Mr. Meek,

Ordered that *five* hundred copies of the governor's message be printed.

Mr. Wair moved to proceed to the election of officers for the army,

Which was lost.

Mr. Nesmith introduced the report of auditor of public accounts, which, being read,

Was referred to committee on ways and means.

On motion,

The rules were suspended, to allow the presentation of a petition from the auditor of public accounts, praying an appropriation for services, &c.,

Which being read, was referred to committee on claims.

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The house met pursuant to adjournment.

Mr. Nesmith, from committee appointed for the purpose, presented the report of the treasurer, Which, being read, was referred to committee on currency.

On motion,

The rules were suspended for the reception of an account of John H. Couch, administrator of G. W. Le Breton, and praying an appropriation for services rendered by said Le Breton,

Which was referred to committee on claims.

Mr. Hill, from select committee on the territorial road from Clatsop plains to Twality, reported a bill for the establishment of the same,

Which was read a first time.

On motion of Mr. Ford,

The house proceeded to the election of officers for the army,

Which resulted in the election of—

Cornelius Gilliam, colonel-commandant;
James Waters, lieutenant-colonel;
H. A. G. Lee, major; and
Joel Palmer, commissary-general.

On motion,

It was ordered that the governor be furnished, forthwith, with a list of the officers elected by this house for the army.

On motion,

Messrs. Nesmith, Crawford, and Wilcox, were appointed a select committee to inform Messrs. Gilliam, Waters, Lee, and Palmer, of their election.

On motion,

The house adjourned to Monday next, at 9 o'clock, A. M.

MONDAY, DEC. 13, 1847.

Mr. Rector introduced a petition from Wm. Hughes, and others, praying for a right to open a road across the Cascade Mountains;

Referred to a select committee, consisting of Messrs. Rector, Ford, and Wair.

Mr. Ford presented the petition of sundry citizens of Polk county, praying a division thereof,

Which was laid on the table for the present.

Mr. Nesmith, from committee on judiciary, to whom was referred that part of the governor's message relating to the erection of a jail, reported that they deemed it inexpedient in the present embarrassed condition of finances to incur the expense of erecting a jail.

Mr. Hembree, from committee on currency, reported:—

A bill to repeal a bill on currency,

Which was read a first time.

Mr. Wair, from committee appointed to procure Mrs. Thornton a school room, reported, and

The committee discharged.

The bill to establish a territorial road from Clatsop to Twality plains,

Was brought up,

Read a second time, and referred to committee of the whole.

On motion,

The house adjourned to 2, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

On motion of Mr. Meek,

The house went into committee of the whole, on the bill to establish a road from Clatsop to Twality plains,

Mr. Meek in the chair,

After some deliberation,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration—

The bill referred to them,

And beg leave to report the same back with orders to be engrossed for a third reading.

On motion of Mr. Ford,

The various petitions from Polk county,

Were brought up, read, and referred to a select committee, consisting of Messrs. Ford, Rogers, and Nesmith.

Mr. Meek gave notice that, on to-morrow, he would introduce a bill to give every man a title to his land.

Mr. Nesmith, on leave, introduced "A bill to provide for sending a special messenger to the United States,"

Which was read a first time.

On motion,

The house adjourned to 9 o'clock to-morrow morning.

TUESDAY, Dec. 14, 1847.

A petition from Wm. Holmes, praying a special act for the assessment and collection of the revenue of Clackamas county, was presented, and

Read, and referred to a select committee, consisting of Messrs. Crawford, Wair, and Meek.

Mr. Hembree presented a petition from Sydney Smith, praying a grant for a lottery railroad, Which was referred to a select committee, consisting of Messrs. Meek, Rogers, and Cox.

Mr. White, from committee on ways and means, reported, "A bill for referring the question of licensing the sale of liquor to the people, at the next general election,"

Which was read and laid on the table.

The committee, to whom was referred the petition of Mr. Bell, reported favorably,

Which report was accepted.

Mr. Nesmith, from committee on land claims, reported a bill entitled "An act to amend the land law, by establishing a recorder's office in each county,"

Which was read a first time.

The bill to repeal the currency law,

Was read a second time, and referred to committee of the whole.

The bill to provide for sending a messenger to the United States,

Was read a second time, and referred in like manner for this day's consideration.

The bill to establish a territorial road from Twality plains to Clatsop,

Was read a third time, and recommitted to committee of the whole.

The house then went into committee of the whole,

Mr. Wair in the chair, and,

After some time spent therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to repeal the currency law,

And beg leave to report the same back, with orders to lie on the table for the present.

On motion,

The house adjourned to 2, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

The commissioners appointed to procure a loan, reported;

Which report was read, and referred to committee of the whole.

On motion of Mr. Nesmith,

The house went into committee of the whole,

Mr. Rector in the chair, and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The report of the loan commissioners,

And beg leave to report it back, with orders to refer it to a select committee of five.

Messrs. Nesmith, Reece, Ford, Meek, and Hembree, were appointed said committee.

Mr. Crawford offered the following,

Which was adopted :—

Resolved—That a delegation of three persons be appointed by this house to proceed immediately to Walla-walla, and hold a council with the chiefs and principal men of the various tribes on the Columbia, to prevent, if possible, the coalition with the Cayuse tribe, in the present difficulties.

Mr. Hill offered a resolution for sending two dispatches to the United States,

Which was read, and laid on the table till to-morrow.

On motion,

The house adjourned to 9 o'clock, to-morrow morning.

WEDNESDAY, Dec. 15, 1847.

Mr. Reece presented two petitions from the citizens of Champoeg county, praying for the establishment of the southern boundary line of said county,

Which was read, and referred to a select committee, consisting of Messrs. Reece, Rector, Chamberlain, and Cox.

Mr. Reece also presented the petition of L. H. Judson, W. H. Willson, and others, praying for an extension of time for constructing a mill-race, &c.,

Read, and referred to a select committee, consisting of Messrs. Reece, Chamberlain, and Cox.

Mr. Wair presented the petition of Stephen H. Meek for a grant to open a road through the Cascade Mountains,

Which was read, and referred to a select committee, consisting of Messrs. Meek, Crawford, and Wair.

Mr. Rector, from committee on petition of Mr. Hughes, and others, reported "A bill for the establishment of a road across the Cascade Mountains,"

Which was read a first time.

The committee, to whom was referred the petition of Sidney Smith for a lottery, &c., reported that they deemed it inexpedient to grant the prayer,

Which report was accepted.

Mr. Ford, from select committee to whom was referred the petitions of citizens of Polk county, reported a bill entitled "An act to define the boundary line of Polk county," and, also, A bill entitled "An act to establish the county of ——— and define its boundaries;"

Each of which bills was read a first time, and ordered to a second reading.

Mr. Nesmith, from the committee to whom was referred the report of the loan commissioners, offered the following,

Which was adopted:—

Resolved—That the thanks of this house be returned to Jesse Applegate, A. L. Lovejoy, and G. L. Curry, for the prompt and efficient manner in which they have discharged the duties of commissioners, and that they be discharged from further service.

On motion,

Ordered that Messrs. Meek, Wair, and Nesmith, be a committee to inform the commissioners of the said resolution.

The bill entitled "An act to amend the liquor license law,"

Was read a second time, and referred to committee of the whole;

Also, the bill to amend the land law.

On motion of Mr. Nesmith,

The house then went into committee of the whole, on the unfinished business of yesterday,

Mr. Nesmith in the chair; and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to be entitled "An act to provide for sending a special messenger to the United States,

And beg leave to report the same back to the house, with sundry amendments.

On motion,

The rules were suspended,

The bill was considered as engrossed,

Read a third time, and passed.

Mr. Ford offered the following,

Which was adopted:—

Resolved—That a select committee of five be appointed to draft a memorial to the congress of the United States, informing them of our present condition.

On motion of Mr. Hill,

The rules were suspended for the adoption of the following:—

Rssolved—That the commodore of the United States squadron, in the Pacific Ocean, be solicited to send a vessel of war into the Columbia river, for our relief, and to send such other assistance as may be in his power.

On motion,

The house adjourned to 9 A.M., to-morrow.

THURSDAY, DEC. 16, 1847.

Mr. Rector presented various petitions, praying for leave to erect a break-water, near the falls of the Wallamette river,

Read, and referred to a select committee, consisting of Messrs. Hembree, Reece, and Rector.

Mr. Ford presented some remonstrances from citizens of Polk county, against establishing the southern boundary line of Polk county north of Mary's river,

Which were referred to the committee appointed on petitions from Polk county.

Mr. Nesmith offered a resolution for sending the remonstrance of this house to the president of the United States, against the appointment of J. Quinn Thornton to any office in this territory,

Which resolution was adopted.

On motion of Mr. Hembree,

The vote adopting the resolution was reconsidered, and

The resolution was ordered to lie on the table.

Mr. Rector, from committee appointed on petition of W. H. Willson, reported a bill entitled "An act to amend an act authorizing L. H. Judson and W. H. Willson to construct a mill-race from Santiam river to Mill creek, passed Dec. 24, A.D. 1844,"

Which was read a first time.

The rules being suspended for that purpose,

Mr. Meek introduced "A bill to improve the southern route to Oregon,"

Which was read a first time, and,

The rules being further suspended,

The bill was read a second time, and referred to committee of the whole.

Mr. Nesmith, on leave, introduced a bill entitled "An act appropriating one thousand dollars to defray the expenses of J. L. Meek, as special messenger to Washington City,

Which was read a first time, and,

The rules being suspended,

Was read a second time, and referred to committee of the whole, for to-day's consideration.

The bill authorizing Wm. Hughes, and others, to construct a road across the Cascade Mountains,

Was read a second time, and referred to committee of the whole;

Also, the bill entitled "An act to define the boundary lines of Polk county;"

Also, the bill entitled "An act to create the county of ——, and define its boundaries."

The bill entitled "An act to amend the act relative to the currency," having been engrossed,

Was read a third time, and recommitted to committee of the whole.

The act to locate a territorial road from Tuality plains to Clatsop, having been engrossed,

Was read a third time, and passed.

On motion,

The house went into committee of the whole, on the several bills thereto referred,

Mr. Meek in the chair, and,

After some time spent therein,

The committee rose, with leave to sit again, and reported as follows:—

Mr. Speaker,—The committee of the whole have had under consideration:—

The act to improve the southern route to Oregon,

And beg leave to report the same back to the house, with amendments,

Which report was accepted.

On motion of Mr. Nesmith,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The house met at 2 o'clock.

The house went into committee of the whole, on the unfinished business of the day,

Mr. Meek in the chair, and,

After continuing sometime therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

An act to appropriate $1000 00 to pay the expenses of J. L. Meek, as special messenger to Washington City;

Also, an act to amend the land law;

Also, an act to repeal the currency law;

Which we beg leave to report with amendments;

Also, an act to define the boundaries of Polk county;

Also, an act to create the county of ———, and define its boundaries;

Also, an act to amend the liquor license law;

Which we beg leave to report back to the house, with instructions to refer them to the original select committees.

On motion,

The house adjourned to 9 o'clock, to-morrow morning.

FRIDAY, Dec. 17, 1847.

Mr. Wilcox presented a communication from J. L. Meek, resigning his seat in the house, to proceed to the discharge of his duties as messenger to the United States,

Which was accepted.

Mr. Rector presented the petition of William Parker, and others, praying a right to open a road across the Cascade Mountains,

Which was referred to a select committee, consisting of Messrs. Rector, Cox, and Rogers.

Mr. Wair, from committee on elections, reported "A bill to define the duties of judges of elections;"

Read a first time.

The bill to extend the time to Willson, and others, to construct a mill-race,

Was taken up,

Read a second time, and ordered to be engrossed.

Mr. Wilcox, from committee on engrossed bills, reported, as truly engrossed, the following bills:—

An act to appropriate five hundred dollars to defray the expenses of J. L. Meek, special messenger to the United States;

An act to amend the currency law; and,

An act to amend the land law.

The act to appropriate five hundred dollars to J. L. Meek, special messenger to the United States,

Was taken up,

Read a third time, and passed.

The bill to amend the currency law,

Was taken up, and,

Read a third time, and,

The question being on the passage of the bill,

The yeas and nays were called for, and were as follows:—

Yeas—Messrs. Crawford, Cox, Hembree, Hill, Nesmith, Plomondean, Reece, Rector, Rogers, Robinson, White, Wilcox, Wair, and Speaker—14.

Nays—Messrs. Chamberlain and Ford—2.

On motion,

The house went into committee of the whole, on the "Act to amend the land law,"

Mr. Hembree in the chair;

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The act to amend the land law,

And beg leave to report the same back, with instructions to refer it to the select committee whence it originated.

On motion,

The house adjourned to 9 o'clock, to-morrow morning.

SATURDAY, Dec. 18, 1847.

The sergeant-at-arms brought in a communication from the governor, transmitting, as a present from Robert Greenhow, Esq., of Washington City, several copies of *A History of Oregon and California*, together with a letter from the author;

The communications were read, and referred to a select committee, consisting of Messrs. Crawford, Wilcox, and Reece.

Mr. Crawford presented the petition of C. D. Smith, and others, praying a right to construct a mill-dam across the Twality river;

Referred to select committee, consisting of Messrs. Hill, Crawford, and Wilcox.

Mr. Nesmith, from committee on judiciary, reported "A bill to regulate the practice of law in the circuit courts of Oregon,"

Which was read a first time.

Mr. Ford, from select committee to whom was referred the bill to define the boundaries of Polk county, presented the same,

Which was read a first time;

Also, an act to create the county of ——, and define its boundaries;

Read a first time.

The act to define the duties of judges of elections,

Was read a second time, and referred to committee of the whole.

Mr. Wilcox, from committee on engrossed bills, reported as truly engrossed:—

An act to extend the time to L. H. Judson and W. H. Willson, to construct a mill-race from Santiam river to Mill creek,

Which was read a third time, and passed;

Also, an act to improve the southern route to Oregon,

Which was read a third time, and recommitted to committee of the whole.

On motion,

The house then went into committee of the whole,

Mr. Nesmith in the chair;

After some deliberation,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill defining the duties of judges of elections;

Which we report back, with instructions to refer it to committee on elections;

Also, an act to improve the southern route to Oregon,

Which we have amended, and adopted.

The report was accepted.

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

On motion of Mr. Wair,

The rules were suspended to allow the introduction of a bill, entitled "An act creating the office of coroner,"

Read a first time, and referred to a select committee, consisting of Messrs. Crawford, Wair, and Nesmith.

On motion of Mr. Ford,

The rules were suspended for the second reading of a bill entitled "An act to define the boundaries of Polk county," and

An act creating the county of ——, and defining its boundaries,

After being read, they were ordered to be engrossed.

Mr. Rice, member from Yamhill county, appeared, and being excused from presenting his certificate, received the oath of office, and took his seat.

On motion of Mr. Hill,

A select committee was appointed to draft a bill authorizing the Governor to appoint commissioners to procure a loan, &c.,

Messrs. Hill, Nesmith, and Wair, were appointed said committee.

Mr. Robinson gave notice that, on Monday, he would introduce "A bill to define the duties of treasurer."

On motion,

The house adjourned to 9 o'clock, Monday morning.

MONDAY, DEC. 20, 1847.

Mr. Cox presented the petition of citizens of Champoeg county, praying a grant for a territorial road from Oregon City to the Calapooia mountains,

Which was referred to select committee, consisting of Messrs. Cox, Rector, and Reece.

Mr. Ford presented sundry petitions from citizens of Polk county, praying a division thereof,

Which were laid on the table.

Mr. White, from committee on ways and means, reported that said committee having no documents in possession, giving any information in regard to the public accounts, &c., except the auditor's report—requested that it be transferred to the committee on currency, which,

On motion,

Was referred as requested.

Mr. Hill, from committee on post-offices and post-roads, reported a bill for dividing each county into road districts, &c.,

Which was read a first time.

Mr. Rector, from select committee to whom was referred the petition of Messrs. Parker, Martin, and others, reported a bill granting a charter to the Santiam road company,

Which was read a first time.

Mr. Hill, from select committee to whom was referred the report of the commissioners, reported "A bill authorizing the Governor to appoint commissioners, &c.,"

Which was read a first time.

Mr. Crawford, from select committee to whom was referred the communications of Robt. Greenhow, Esq., reported the following,

Which was adopted:—

Resolved—That the thanks of this house be presented to Robert Greenhow, Esq., for his valuable present to the Governor and Legislature of Oregon territory.

Resolved—That one copy of the "History of Oregon and California," be presented to Governor Abernethy; one copy to Jno. Mc Loughlin, Esq.; one copy to the Multnomah circulating library; one copy to the Speaker of this house; and the remaining copies to be and remain the property of this territory.

Resolved—That of the eighteen pamphlets, one be presented to Governor Abernethy, and one to each member of this house.

On motion,

Messrs. Crawford, Reece, and Hembree, were appointed a committee to inform the Governor of said resolutions.

The act to amend the land law,

Was taken up,

Read a second time, and ordered to be engrossed.

The bill to amend the practice of law;

Read a second time, and referred to committee of the whole.

Mr. Crawford, from committee on engrossed bills, reported as truly engrossed:—

An act to define the boundaries of Polk county;

Read a third time, and passed; also,

An act creating the county of ——, and to define its boundaries,

Which was read a third time, and

On motion of Mr. Ford,

The blank was filled with Benton,

And the bill was recommitted to committee of the whole.

The act to improve the southern route to Oregon,

Was read a third time, and

The yeas and nays being ordered on its passage, were as follows:—

Yeas—Messrs. Chamberlain, Cox, Crawford, Hembree, Nesmith, Rector, Reece, Plomondean, Robinson and Mr. Speaker.—10.

Nays—Messrs. Ford, Rice, Rogers, Hill, Wair and White.—6.

Absent—Mr. Wilcox.

Mr. Rector introduced a bill for extinguishing the Indian title to lands in this territory;

Read a first time.

On motion,

The house went into committee of the whole,

Mr. Wair in the chair, and

After some deliberation therein,

The committee rose and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

A bill to create Benton county and define its boundaries; also,

An act to amend the practice at law, each of which the committee has amended, and beg leave to report them back to the house.

The amendments were adopted by the house; and,

The act to create Benton county, &c.,

Was taken up,

The rules being suspended;

Read a third time, and passed.

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

On motion of Mr. White,

The rules were suspended, and

The bill authorizing the Governor to appoint commissioners, &c.,

Was taken up,

Read a second time, and referred to committee of the whole;

On motion of Mr. Nesmith,

The house went into committee of the whole,

Mr. White in the chair, and,

After some deliberation therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill authorizing the Governor to appoint commissioners, &c., and have amended the same by vesting the appointment of said commissioners in the legislature;

Which report was accepted; and

The rules being suspended,

The house went into the election of said commissioners,

Which resulted in the choice of A. L. Lovejoy, Hugh Burns, and W. H. Willson.

The bill was then taken up, considered as engrossed; and

Read a third time, and passed.

Mr. Robinson gave notice that, on to-morrow, he would introduce "A bill to fix the salary of recorder,"

Mr. Rogers asked, and obtained, leave of absence.

On motion,

The house adjourned to 9 o'clock, to-morrow morning.

TUESDAY, Dec. 21, 1847.

Mr. Crawford presented the petition of sundry citizens of Clackamas, praying the appointment of a justice of the peace;

Read, and referred to select committee, consisting of Messrs. Crawford, Wair, and White.

Mr. Wair, from committee on elections, reported "An act defining the duties of judges of elections,"

Which was read a first time.

Mr. Hill, from committee to whom had been referred the petition praying for a right to construct a mill dam across Twality river, reported "a bill for establishing the same,"

Which was read a first time.

Mr. Hembree, from committee on currency, made a report,

Which was accepted.

Mr. Cox, from select committee to whom had been referred the subject, reported a bill to locate a territorial road from Oregon City to the Callapooia mountains.

Read a first time.

The bill to divide the several counties into road districts,

Was taken up,

Read a second time, and referred to committee of the whole.

The bill to extinguish the Indian title to lands in Oregon,

Was read a second time, and laid on the table.

The bill granting a charter to the Santiam road company,

Was read a second time, and referred to committee of the whole.

Mr. Wilcox, from committee on engrossed bills, reported as truly engrossed:—

An act to amend "An act regulating practice of law in the circuit courts,"

Which was read a third time, and lost;
Also, an act to amend the organic law,
Which was read a third time, and, on its final passage,
The yeas and nays being called for, were as follows:—

Yeas—Messrs. Crawford, Chamberlain, Cox, Hill, Hembree, Nesmith, Reece, Rector, Rice, Robinson, Plomondean, White, Wilcox, Wair, and Speaker—15.

Nays—None.

Absent—Messrs. Ford and Rogers.—2.

On motion,
The house then went into committee of the whole,
Mr. Crawford in the chair, and
After some deliberation,
The committee rose, and reported as follows:—
Mr. Speaker,—The committee have had under consideration:—
An act to divide the several counties into road districts,
Which we have amended and adopted; also,
A bill granting a charter to the Santiam road company,
Which we have amended and adopted,
Which report was accepted.
On motion,
The house adjourned to 2, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.
On motion of Mr. Hill,
The rules were suspended for the consideration of the bill "to divide the several counties into road districts,"
The bill was read by sections, considered as engrossed; and
Read a third time, and passed.
On motion of Mr. Nesmith,
The rules were suspended, for the introduction of the following,
Which was adopted:—

Rssolved,—That a committee of three be appointed to ascertain upon what terms they can procure the printing of the acts passed by this, and the preceeding legislatures, including also the Auditor's and Treasurer's reports, and that they report as soon as practicable.

Messrs. Crawford, White, and Rector, were appointed said committee.

On motion,
The house adjourned to 9 o'clock to-morrow morning.

WEDNESDAY, Dec. 22, 1847.

Mr. Wair presented the petition of the ladies of Oregon City, praying an amendment of the organic law, so as to prohibit the sale of spirituous liquors, &c.,

Which was referred to a select committee, consisting of Messrs. Wair, Crawford, and Wilcox.

Mr. Hembree presented the petition of Elizabeth S. Sweet for a divorce,

Which was referred to a select committee, consisting of Messrs. Hill, Rice, and Hembree.

Mr. Ford presented the petition of E. Bristow, praying the legislature to name his residence "Pleasant Hill,"

Which was referred to a select committee, consisting of Messrs. Ford, Nesmith, and Cox.

Mr. Crawford, from committee on the petition of Wm. Holmes, reported "A bill for the collection of revenue,"

Read a first time.

Mr. Rector, from committee on the petition of Jno. McLoughlin, reported "An act authorizing Jno. McLoughlin to construct a break water near the Willamette Falls;"

Read a first time.

Mr. Cox, from select committee to whom was referred the bill granting a charter to the Santiam road company, reported the same back with sundry amendments;

Read a first time.

Mr. Reece, from committee on petitions from Champoeg county, reported "A bill defining the southern boundary of said county,"

Which was read a first time.

Mr. Wair offered the following,

Which was adopted:—

Resolved—That before this house adjourn *sine die*, it is their duty to elect a supreme judge, and a prosecuting attorney.

On motion of Mr. Nesmith,

Leave of absence was granted to Mr. Chamberlain.

The bill to construct a dam across the Tuality river,

Was read a second time, and referred to committee of the whole.

The bill to locate a road from Oregon City to the Callapooia river,

Was read a second time, and ordered to be engrossed.

On motion,

The house went in committee of the whole.

Mr. Rogers in the chair; and

After some time spent therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to authorize the construction of a dam across the Twality river, and beg leave to report the same back as amended and adopted;

Also, a bill to define the duties of Judges of election,

Amended and adopted;

Also, a bill defining the duties of collectors of revenue,

Amended and adopted.

The report of the committee being accepted,

The bills were read by sections,

Adopted, and ordered to be engrossed.

On motion,

The house adjourned to 2 o'clock P.M.

AFTERNOON SESSION.

At 2 o'clock, the house met.

Mr, Hill gave notice that, on to-morrow, he would introduce "A bill for changing the oath of office."

On motion,

The rules were suspended for the purpose of taking up the business on the table.

Mr. Nesmith's resolutions remonstrating against the appointment of J. Quinn Thornton to any office in this territory,

Were taken up, and,

The yeas and nays being taken on their adoption, they were lost by the following:—

Yeas—Messrs. Cox, Hembree, Hill, Ford, Rice, Rector, Nesmith, and Wilcox.—8.

Nays—Messrs. Crawford, Reece, Rogers, Robinson, Plomondean, White, Wair, and Mr. Speaker.—8.

The bill to extinguish the titles of Indians to lands in this territory,

Was taken up, and indefinitely postponed.

The act amendatory of an act for assessing and collecting the revenues,

Was read a third time, and passed.

On motion,

The house adjourned to 9 o'clock, to morrow morning.

THURSDAY, DEC. 23, 1847.

Mr. Wilcox presented a remonstrance from Mr. Morrison, against building a dam across the Tuality river;

Referred to a select committee, consisting of Messrs. Wilcox, Hembree, and Nesmith.

Mr. Wilcox, from committee on engrossed bills, reported as truly engrossed:—

An act to define the duties of judge of election;

An act to locate a road from Oregon City to the Callapooia river; and

An act to authorize C. D. Smith, and others, to construct a dam across the Tuality river.

Mr. Wair, from select committee to whom was referred the ladies' petition concerning liquor, &c., reported the following,

Which was adopted:—

Resolved—That the ladies of Clackamas for their united expression in a matter that deeply interests every good citizen of Oregon, have the unanimous thanks of this house.

Mr. Hill, from select committee to whom was referred the petition of Elizabeth S. Sweet, reported "A bill to divorce Elizabeth S. Sweet from her husband Charles B. Sweet,"

Which was read a first time.

Mr. Nesmith offered the following,

Which was rejected:—

Resolved—That this house adjourn on Saturday next without day.

On motion of Mr. Rice,

The vote of the adoption of Mr. Wair's resolution concerning the election of supreme judge, was reconsidered.

Mr. Rice offered the following:—

Resolved—That it is the duty of this house to elect one secretary of state; one treasurer; one superintendent of Indian affairs; one marshal, and one prosecuting attorney, which,

On motion,

Was laid on the table for the present.

The following bills were read a second time, and referred to committee of the whole:—

A bill granting a charter to the Santiam road company;

A bill authorizing John McLoughlin to construct a break-water;

A bill to define the southern boundary of Champoeg county, and to establish Linn county; and,

A bill relating to the collection of revenue for 1847.

The following engrossed bills were read a third time:—

A bill to define the duties of judges of election,

Passed;

An act to locate a territorial road from Oregon City to the Callapooia river,

Passed;

An act to authorize C. D. Smith and D. Burnsides, to erect a dam across Tuality river,

Lost.

Mr. Hill introduced a bill to change the oath of office;

Read a first time.

On motion of Mr. Ford,
The rules were suspended, for the purpose, and
The memorial to congress,
Was read a first and second times, and referred to committee of the whole.
On motion,
The house went into committee of the whole,
Mr. Wilcox in the chair, and,
After some deliberation therein,
The committee rose, and reported as follows:—
Mr. Speaker,—The committee have had under consideration:—
The memorial to congress,
And beg leave to report the same back, with amendments,
Which report was accepted.
On motion,
The house adjourned to 2, P.M.

AFTERNOON SESSION.

The house met pursuant to adjournment.
On motion of Mr. Nesmith,
The house went into committee of the whole,
Mr. Hill in the chair, and,
After some deliberation,
The committee rose, and reported as follows:—
Mr. Speaker,—The committee have had under consideration:—
A bill for assessing and collecting the revenue for 1847,
Amended and adopted;
Also, a bill granting a charter to the Santiam road company,
Adopted;
All of which the committee report back to the house.
The report was accepted.
On motion of Mr. Hembree,
The rules were suspended, for the third reading of
The memorial to congress; and,
Upon said third reading,
The memorial was passed.
On motion,
The house adjourned to 9 A.M., to-morrow.

FRIDAY, DEC. 24, 1847.

The house met pursuant to adjournment.
Mr. Cox presented a petition from citizens of Clackamas county,

praying a repeal of the organic law, so as to prohibit the sale of liquor, &c.,

Referred to a select committee, consisting of Messrs. Cox, White, and Wair.

Mr. Cox, presented a petition from citizens of Champoeg county, praying for the Santiam river, as the southern boundary of said county.

Mr. Ford, from committee to whom was referred the petition of E. Bristow, reported "A bill to denominate the residence of E. Bristow "Pleasant Hill," "

Read a first time.

Mr. Crawford, from committee to whom was referred the petition from Clackamas county, reported "A bill for the election of a justice of the peace in Clackamas,"

Read a first time.

Mr. Nesmith offered the following,

Which was adoptod :—

Resolved—That a committee of three be appointed to draft a letter to the American consul at the Sandwich Islands, representing our affairs, and imploring any assistance which he may be able to render.

Messrs. Nesmith, Rice, and Rector, were appointed said committee.

Mr. Hill offered the following,

Which was adopted :—

Resolved—That the commander-in-chief of the United States naval and land forces in California, is respectfully requested to furnish us all the assistance in his power, not inconsistent with his instructions, or his duty to his country.

Resolved, further—That a copy of this preamble and resolution, be sent to the commander-in-chief, in California.

Bills read a second time :—

A bill to change the oath of office,

Referred to committee of the whole;

A bill granting a divorce to E. S. Sweet,

Ordered to be engrossed.

The act for the collection of revenue, for the year 1847,

Was read a third time, and passed.

The bill granting a charter to the Santiam road company,

Was read a third time, and recommitted to committee of the whole.

Mr. Rice's resolution of yesterday,

Was brought up, and referred to a select committee, consisting of Messrs. Rice, Nesmith, and Hembree.

On motion,

The house went into committee of the whole,

Mr. Crawford in the chair,

After some deliberation therein,

The committee rose, and reported as follows :—

Mr. Speaker,—The committee have had under consideration :—

A bill to define the southern boundary of Champoeg county, and to create Linn county,

Which we have amended, and adopted;

Also, a bill authorizing John McLoughlin to erect a break-water, near the Willamette Falls,

Which we refer back to the house.

On motion of Mr. Hembree,

The bill authorizing John McLoughlin to construct a break-water,

Was indefinitely postponed, by yeas and nays as follows:—

Yeas—Messrs. Cox, Ford, Hembree, Rice, Hill, Robinson, Rogers, Wilcox, and White—9.

Nays—Messrs. Crawford, Plomondean, Rector, Reece, Weir, and Speaker—6.

On motion,

The house adjourned till afternoon.

AFTERNOON SESSION.

The rules being suspended for the purpose,

Mr. Hembree introduced "A bill to locate a territorial road from Linn City, Twality county, to Zeb. Martin's, in Yamhill county,"

Which was read a first time.

Mr. Reece introduced "A bill to locate a road from Oxford, on the Willamette river, to T. McKay's, in Linn county."

Mr. White, from committee on ways and means, reported "A bill to refer the license of liquor to the people, at the next general election,

Which was read a first time.

Mr. Hill offered the following,

Which was adopted:—

Resolved—That this house adjourn, on Tuesday next, without day.

On motion,

Ordered that a committee of one from each county be appointed to draft "A bill on apportionment;"

Messrs. Crawford, Reece, Rogers, Wilcox, Robinson, and Plomondean, were appointed said committee.

On motion,

The committee of ways and means was instructed to report "A bill on appropriations," on Monday morning.

On motion,

The rules were suspended, for taking up the business on the table

The bill granting a divorce to E. S. Sweet,
Was taken up,
Read a third time, and,
The yeas and nays being demanded on its passage, the bill passed by the following:—

Yeas—Messrs. Cox, Ford, Hembree, Hill, Nesmith, Plomondean, Robinson, Rogers, Rice, Rector, and White—11.

Nays—Messrs. Crawford, Reece, Wilcox, Wair, and Mr. Speaker—5.

The bill to locate a road from Linn City to Zed. Martin's,
Was read a second time, and ordered to be engrossed;
Also, the bill to refer the license of liquor to the people, &c.;
Also, the bill to locate a territorial road from Oxford to McKay's;
Also, the bill to denominate the farm of E. Bristow "Pleasant Hill."

SATURDAY, DEC. 25, 1847.

Mr. Rice, from committee appointed to ascertain the number of officers to be elected by this house, reported:—That upon an examination of the laws, it was found that the house should elect a prosecuting attorney, and a superintendent of Indian affairs.

On motion of Mr. Nesmith,

The house went into secret session, for the purpose of conferring with the governor, colonel, lieutenant-colonel, and commissary-general, in relation to our Indian difficulties.

Mr. Nesmith offered the following:—

Resolved—That the executive, as commander-in-chief, has full power to adopt all measures necessary for the prosecution of the existing war; and that it is the opinion of this house that it is expedient for the executive to issue orders for five hundred men, and trust to the patriotism of the citizens of Oregon, for their support in the field.

On its adoption,
The yeas and nays were called for, and were as follows:—

Yeas—Messrs. Crawford, Ford, Cox, Hembree, Hill, Nesmith, Plomondean, Robinson, Rogers, Reece, Rice, Rector, Wilcox, Wair, White, and Mr. Speaker—16.

Nays—None.

On motion of Mr. Hembree,
The house then took up the

ORDERS OF THE DAY.

The bill denominating the residence of E. Bristow, "Pleasant Hill,"
Was read a third time, and passed;
Also, the bill locating the territorial road, from Linn City in Twality county, to Zed. Martin's, in Yamhill county.
The bill referring the license question to the people, &c.,
Was read a third time, and recommitted to committee on ways and means.
The house adjourned to Monday next, at 9 o'clock, A. M.

MONDAY, Dec. 27, 1847.

Mr. Wair presented the petition of D. C. Ingles, praying a right for a ferry, boom, &c., across the Clackamas river;
Laid on the table.
Mr. Nesmith, from committee appointed to write a letter to the American consul, at the Sandwich Islands, reported a letter,
Which was read, and ordered to be engrossed, and forwarded to the consul.
Mr. White, from committee on ways and means, reported back the "Bill to refer the license of liquor to the people," with amendments;
Read a first time.
Mr. Crawford reported "A bill on apportionment;
Read a first time.
Mr. White, from committee on ways and means, reported "A bill on appropriation, for the year 1847;"
Read a first time.
The rules being suspended for the purpose of introducing bills,
Mr. Rice introduced "A bill to amend the organic law, so as to prohibit the manufacture and sale of ardent spirits;"
Read a first time, and,
The rules being suspended,
Was read a second time, and referred to committee of the whole.
Mr. Wair introduced "A bill to prohibit the sale of fire-arms to the Indians;"
Read a first time, and,
The rules being suspended,
Was read a second time, and referred to committee of the whole.

Mr. Nesmith introduced "A bill to fix the time of holding circuit courts in Benton and Linn counties;"

Read a first time, and,

The rules being suspended,

Was read a second time, and referred as before.

The same course was pursued with "A bill to provide for taking the census for 1848," introduced by Mr. Hill.

Mr. Ford offered the following,

Which was adopted :—

Resolved—That this house proceed, forthwith, to the election of adjutant-general.

The election for adjutant-general being had,

Resulted in the choice of A. L. Lovejoy, Esq.

On motion,

Mr. Nesmith was appointed a committee to wait on Mr. Lovejoy, and inform him of the office conferred on him by this house.

Mr. White offered the following,

Which was adopted :—

Resolved—That a committee of three be appointed to confer with the managers of the building occupied by this body, to ascertain the amount due for rent, repairs, &c., and report the same to this house.

Messrs. White, Reece, and Rector, were appointed said committee.

The following engrossed bills,

Were read a third time, and passed :—

An act to define the southern boundary of Champoeg county, and to create Linn county;

An act to locate a territorial road from Oxford, on the Willamette river, to J. McKay's, in Linn county.

On motion,

The house adjourned to 1 o'clock, P.M.

AFTERNOON SESSION.

At 1 o'clock the house met.

The committee appointed to wait on Mr. Lovejoy, reported, and

Was discharged.

The house went into committee of the whole,

Mr. Hembree in the chair, and

After some deliberation,

The committee rose and reported as follows :—

Mr. Speaker,—The committee have had under consideration :—

The following bills,

Which we beg leave to report back with amendments :—

A bill granting a right to Wm. Hamilton, and others, to construct a road across the cascade mountains;

A bill to elect certain justices of the peace in Clackamas county;

A bill to amend the oath of office;

A bill fixing the time of holding circuit courts in Benton and Linn counties;

A bill to prevent the sale of fire-arms to the Indians;

A bill to provide for taking the census of 1848.

The report being accepted,

The bills were severally read by clauses,

Adopted, and ordered to be engrossed.

On motion of Mr. Crawford,

The rules were suspended for the second reading of bills on the table.

A bill on apportionment,

Was read a second time, and referred to committee of the whole;

Also, a bill on appropriations for 1847.

The bill to refer the license question to the people, &c.,

Was read a second time, and indefinitely postponed by the following vote:—

Yeas—Messrs. Cox, Ford, Hembree, Hill, Nesmith, Plomondean, Rector, Rice, and Wilcox—9.

Nays—Messrs. Crawford, Robinson, Rogers, Reece, Wair, White, and Speaker—7.

The house then went into committee of the whole,

Mr. Crawford in the chair, and

After some deliberation,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill on apportionment for 1848,

Which we report back, with amendments;

Also, a bill on appropriations for 1847,

On which we beg leave to sit again.

The report being accepted,

The bill on apportionment,

Was taken up,

Read by sections, adopted, and ordered to be engrossed.

The rules being suspended,

Mr. Hembree introduced "A bill to improve the navigation of the Twality river, &c.,

Read a first time.

The house adjourned to 9 o'clock, to-morrow morning.

TUESDAY, Dec. 28, 1847.

Mr. Ford presented a petition from George Davis, praying an issue of $100 00 in scrip, which sum, in scrip, he had lost, Laid on the table.

Mr. Wilcox, from committee on engrossed bills, reported, as truly engrossed, the following bills,

Which were severally read a third time, and passed:—

An act on apportionment for 1848;

An act to provide for taking the census for 1848;

An act to prevent the sale of fire-arms to Indians;

An act to provide for the election of a justice of the peace, and a constable for Clackamas county;

An act to fix the times of holding circuit courts in Benton and Linn counties;

An act to amend the oath of office,

Passed by a two-thirds vote;

An act to amend the organic law, in relation to ardent spirits,

Passed by a two-thirds vote;

An act granting a right to Wm. Hughes, and others, to construct a road, &c.

Mr. Nesmith offered the following,

Which was adopted:—

Resolved—That the committee on printing be, and they are hereby authorized to contract for the printing of 200 copies of the road and general revenue laws; said laws to be distributed among the several counties, by the secretary of the territory, in the ratio of five copies to each member, to which each county is entitled under the present apportionment law.

Mr. Ford introduced a bill for the relief of George Davis,

Read a first time, and,

The rules being suspended,

The bill was read a second and third times, and passed.

Mr. White, from committee on ways and means, reported concerning the cost of printing the laws of the last and present sessions,

Accepted.

By the same, a report concerning the cost of the house occupied by this body,

Accepted.

The bill to improve the navigation of the Twality river,

Was laid on the table.

Mr. Nesmith, on leave, introduced "A bill defining the duties of adjutant-general,

Was read a first time, and,

The rules being suspended,

Was read a second time, and referred to committee of the whole.

The bill to amend the oath of office,

Was read a third time, and, on its final passage,

The yeas and nays being called for, were as follows:—

Yeas—Messrs. Crawford, Cox, Hembree, Hill, Nesmith, Plomondean, Robinson, Rogers, Rector, Reece, Rice, Wilcox, White, and Warr—14.

Nays—Mr. Speaker—1.

Absent—Mr. Ford—1.

The bill to amend the organic law, in relation to ardent spirits,
Was read a third time, and passed by the following vote:—

Yeas—Messrs. Crawford, Cox, Hembree, Hill, Nesmith, Plomondean, Robinson, Rogers, Reece, Rector, Rice, Wilcox, White, Wair, and Speaker—15.

Nays—None.

On motion,
The house went into committee of the whole,
Mr. Wair in the chair, and,
After some deliberation therein,
The committee rose, and reported as follows:—
Mr. Speaker,—The committee have had under consideration:—
A bill on appropriations for 1847,
And beg leave to report the same back to the house, with amendments,
Accepted.
The bill was considered as engrossed,
Read a third time, and passed.
The rules being suspended,
Mr. Nesmith introduced "A bill authorizing the treasurer to exchange scrip,"
Read a first time, and,
The rules being suspended,
Was read a second time, and referred to committee of the whole.
The house then went into committee of the whole,
Mr. Reece in the chair; and,
After some deliberation therein,
The committee rose, and reported as follows:—
Mr. Speaker,—The committee have had under consideration:—
A bill to authorize the treasurer to exchange scrip,
Which we report back, with amendments,
Accepted.
The house adjourned to 2, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.
The rules being suspended,

Mr. White introduced "A bill to provide for the pay of the army,"

Was read a first and second times, and referred to committee of the whole.

The house went into committee of the whole,

Mr. Rogers in the chair; and

After some time spent therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

A bill to define the duties of adjutant-general;

Also, a bill to provide for the pay of the army,

And beg leave to report them with amendments;

Which report was accepted.

The bill to provide for the pay of the army,

Was read a third time, and lost by the following vote:—

Yeas—Messrs. Crawford, Plomondean, Reece, Robinson, Wair, White, and Mr. Speaker—7.

Nays—Messrs. Cox, Ford, Hembree, Hill, Nesmith, Rogers, Rector, Rice, and Wilcox—9.

The bill defining the duties of adjutant-general,

Was read a third time, and passed.

On motion,

The house proceeded to the election of prosecuting attorney, and superintendent of Indian affairs,

Which resulted in the choice of Milton Elliot, for prosecuting attorney; and

Joel Palmer, for superintendent of Indian affairs.

The house adjourned to 6 o'clock, P.M.

EVENING SESSION.

The house met at 6 o'clock.

On motion of Mr. Hill,

The vote rejecting the bill for the pay of the army,

Was reconsidered, and

The bill was referred to committee of the whole.

The house went into committee of the whole,

Mr. Hill in the chair, and,

After continuing sometime therein,

The committee rose, and reported as follows:—

Mr. Speaker,—The committee have had under consideration:—

The bill to provide for the pay of the army,

And beg leave to report the same back, with amendments.

The bill was considered as engrossed;

Was read a third time, and passed.

The rules being suspended,

Mr. Hill introduced "A bill to legalize certain acts passed by this legislature, &c.,"

The bill was passed.

Mr. Wair introduced "A bill authorizing the governor to appoint a coroner on each county,"

Rules were suspended,

Read a first, second, and third times, and passed.

Mr. Wair offered the following,

Which was adopted:—

Resolved—That the clerk of this house be entitled to three dollars per diem, for his services during the present session; and that the engrossing clerk, and sergeant-at-arms, be each allowed two dollars per day, which shall be a full compensation for their services.

Mr. Hill offered the following,

Which was adopted:—

Resolved—That the secretary of the territory be requested to superintend the printing of the acts passed by this legislature; and that he be allowed a reasonable compensation therefor, to be paid out of the contingent fund, not otherwise appropriated; and that he distribute said laws to the different counties.

Mr. White offered the following,

Which was adopted:—

Resolved—That the sum of fifteen dollars be appropriated to Wm. Holmes, for wood, cleaning, and repairing this house, to be paid out of the contingent fund otherwise unappropriated.

Mr. Wair offered the following,

Which was adopted:—

Resolved—That Robert Newell, our present speaker, have the thanks of the members of this house, for the able and impartial manner in which he has discharged the duties of speaker.

Mr. Newell, in a short and appropriate manner, returned his thanks to the house.

On motion of Mr. Crawford,

The house adjourned *sine die*.

CALVIN W. COOKE, *Clerk.*

ROBERT NEWELL, *Speaker.*

JOURNAL

Of the House of Representatives,

Dec. 5, *A.D.* 1848.

This day being the first Tuesday in December, the day appointed by the organic law of Oregon territory, for the meeting of the legislature,

On motion of Mr. Hembree,

Ralph Wilcox was called to the chair, for the purpose of organizing the present legislature.

On motion of Mr. Curry,

Wm. G. T'Vault was appointed clerk *pro tem.*

When the following persons appeared as members elect:—

From the county of Yamhill—A. J. Hembree, L. A. Rice, Wm. J. Martin;

From Twality county—Ralph Wilcox, Samuel R. Thurston.

From Clackamas county—Geo. L. Curry, Medorum Crawford, A. F. Hedges.

From Vancouver county—Adolphus Lee Lewis.

On motion of Mr. Thurston,

The chair appointed Messrs. Thurston, Curry, and Rice, a committee to examine credentials of members elected to serve in the present legislature.

On motion of Mr. Curry,

The chair appointed Messrs. Crawford, Hembree, Martin, Lewis, and Hedges, a committee to procure a room for the use of the present legislature.

On motion of Mr. Rice,

The house adjourned to 9 o'clock, to-morrow morning.

WEDNESDAY, DEC. 6, 1848.

The house met, and,

On motion of Mr. Hembree,

Adjourned to 3, P.M.

* * *

AFTERNOON SESSION.

At 3 o'clock the house met.

On motion of Mr. Curry,

William Holmes was appointed to act as sergeant-at-arms, *pro tem.* until the election of sergeant-at-arms by the house.

Henry J. Peterson appeared, and took his seat, as member elect from the county of Linn.

On motion of Mr. Hedges,

The committee on credentials, was allowed further time to report.

On motion of Mr. Hembree,

Messrs. Hembree, Curry, and Crawford, were appointed a committee to procure stationery for the use of the present legislature.

On motion of Mr. Curry,

The chair appointed Messrs. Hedges, Thurston, and Martin, a committee to arrange the seats, stands, &c., in the room designed for the use of the present session.

Mr. Crawford, from committee appointed to procure a room for the use of the legislature, made the following report:—

Your committee, to whom was referred the procuring of a house in which to hold the present session of the legislature, beg leave to report that they have examined several houses, and have decided in favor of one owned by G. W. Rice, which, together with wood for the session, can be had at five dollars per day, in scrip.

On motion of Mr. Hedges,

The report was accepted,

On motion of Mr. Curry,

The report was adopted.

Mr. Hembree moved that the house adjourn to 9 A.M., to-morrow.

The house refused to adjourn.

On motion of Mr. Thurston,

The house adjourned to 1 o'clock, P.M., to morrow.

THURSDAY, Dec. 7, 1848.

The house met pursuant to adjournment.

Mr. Thurston, chairman of committee on credentials, made the following report:—

Mr. Chairman,—The committee appointed to receive and examine credentials, and report the names of persons present, and entitled to seats in the present legislature, have attended to that duty, and ask leave to report; that there are now present, and entitled to seats, the following-named persons, from their respective counties; to wit:—

From Clackamas—Geo. L. Curry, A. F. Hedges, M. Crawford;

From Twality—Ralph Wilcox, and S. R. Thurston.

From Yamhill—A. J. Hembree, L. A. Rice, Wm. J. Martin;

From Linn—Henry J. Peterson;

From Vancouver—Adolphus Lee Lewis;

From Champoeg, Polk, Benton, and Clatsop—None.

The report was accepted.

On motion of Mr. Thurston,

The roll of members elect from the several counties, was called by the clerk, when the following answered to their names; to wit:—

From Linn county—Henry J. Peterson;

From Benton county—None;

From Polk county—None.

From Champoeg county—None;

From Yamhill county—A. J. Hembree, L. A. Rice, W. J. Martin;

From Twality county—Ralph Wilcox, Samuel R. Thurston;

From Clackamas county—G. L. Curry, M. Crawford, A. F. Hedges;

From Vancouver county—Adolphus Lee Lewis;

From Clatsop and Lewis counties—None;

Whereupon Mr. Hembree moved that the house adjourn to the 1st day of January next, upon which,

The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Hembree and Martin—2.

Nays—Messrs. Crawford, Curry, Hedges, Lewis, Peterson, Rice, Thurston, and Wilcox—8.

Mr. Curry moved that, when the house adjourn, it adjourn to meet at 9 A.M., to-morrow;

Which was agreed to.

Mr. Thurston offered the following resolution,

Which was adopted:—

Resolved—That the sergeant-at-arms *pro tem.* be directed to forthwith call on the secretary of the territory, and request him forthwith to inform this house, personally or otherwise, of the names of all persons elected at the last June election, as members of this house; and, also, the names of all such persons as have resigned, or left the territory; and, also, whether elections have been ordered to fill the vacancies occasioned thereby;

Whereupon the secretary made the following report, in writing; to wit:—

To the Hon. the Members of the Legislature of Oregon Territory:

GENTLEMEN,—The following is a list of the names of the members elected to the legislature, as appears by the returns from the several counties of the election held throughout the territory, on the 5th day of June, ultimo.

Subjoined is a list of the members who have resigned, or left the territory:—

Clackamas county—A. L. Lovejoy, G. L. Curry; J. L. Snook;

Twality county—Samuel R. Thurston, Peter H. Burnett, Ralph Wilcox;

Champoeg county—Albert Gains, Robert Newell, Wm. J. Bailey, Wm. Porter;

Yamhill county—A. J. Hembree, L. A. Rice, Wm. Martin;

Polk county—H. Linville, J. W. Nesmith, O. Russell;

Linn county—Henry J. Peterson, Anderson Cox;

Lewis county—Levi L. Smith;

Clatsop county—A. H. Thompson;

Vancouver county—Adolphus L. Lewis.

List of members resigned, or left the territory:—

Clackamas county—A. L. Lovejoy, J. S. Snook;

Twality county—P. H. Burnett;

Champoeg county—Robert Newell;

Polk county—J. W. Nesmith, O. Russell;

Lewis county—L. L. Smith.

There have been proclamations issued by the governor, calling elections to fill the vacancies in the different counties. The only returns of the special election received at the secretary's office, are those of Clackamas, which show A. F. Hedges and Medorum Crawford to be members, elected to fill the vacancies in said county.

S. M. HOLDERNESS,

Secretary, O.T.

Oregon City, O.T., Dec. 6, *A.D.* 1848.

Mr. Crawford offered the following resolution:—

Resolved—That this house proceed to the election of its officers, to-morrow, at 10 o'clock, A.M.

On motion of Mr. Curry,

Said resolution was laid on the table.

On motion of Mr. Hembree,

The house adjourned.

FRIDAY, Dec. 8, 1848.

Mr. Curry presented the credentials of Saml. Parker, a member from Champoeg county.

Mr. Thurston presented the credentials of David Hill, member from Twallity county.

On motion of Mr. Thurston,

Samuel Parker, and David Hill, took their seats as members of this house.

On motion,

The roll of members was called;

There were no absent members.

Mr. Crawford offered the following resolution:—

Resolved—That the house now proceed to organize by the election of speaker, principal clerk, and sergeant-at-arms.

The yeas and nays being demanded on the adoption of the resolution, were as follows:—

Yeas—Messrs. Crawford, Curry, Hill, Hedges, Lewis, Peterson, Rice, Thurston, and Wilcox—9.

Nays—Messrs. Hembree, Martin, and Parker—3.

So the resolution was adopted;

Whereupon S. M. Holderness, secretary of Oregon territory, came into the representative hall, and administered the oath of office to the following members; to wit:—

From Linn county—R. J. Peterson;

From Champoeg county—Samuel Parker;

From Yamhill county—A. J. Hembree, W. J. Martin, L. A. Rice;

From Twallity county—Ralph Wilcox, Samuel R. Thurston, David Hill;

From Clackamas county—G. L. Curry, M. Crawford, A. F. Hedges;

From Vancouver county—A. L. Lewis.

On motion of Mr. Thurston,

The house proceeded to the election of speaker.

Messrs. Thurston, Rice, and Hedges, were appointed as tellers.

Upon counting the first ballot, it appeared that:—

Ralph Wilcox had 9 votes,

M. Crawford, 2; and

Samuel Parker, 1.

Mr. Wilcox, having received a majority of all the votes cast,

Was declared duly elected speaker, for the present session of the house, and

Was sworn into office by the secretary.

On motion of Mr. Hedges,

The house proceeded to the election of clerk,

Messrs. Thurston, Rice, and Hedges, acting as tellers.

Upon counting the first ballot, it was found that:—

W. G. T'Vault had 10 votes;

Don Carlos Shane, 1 vote; and

Blank, 1 vote.

Mr. T'Vault, having received a majority of all the votes cast,

Was declared duly elected clerk of the present house of representatives, and

Was sworn into office by the speaker.

On motion of Mr. Hembree,

The house now proceeded to the election of sergeant-at arms, and door-keeper;

Messrs. Thurston, Rice, and Hedges, acting as tellers.

Upon counting the first ballot, it was found that :—

Wm. Holmes, had 9 votes ;

Stephen H. L. Meek, 2 votes ;

Hugh Burns, 1 vote.

Mr. Holmes, having received a majority of all the votes,

Was declared duly elected sergeant at-arms, and door-keeper, and

Was sworn into office by the speaker.

On motion of Mr. Rice,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock, the house met.

Mr. Thurston offered the following resolution :—

Resolved—That ———— be appointed a committee to prepare and report a code of rules and orders for the government of this house, and that, until the said committee report, the rules and orders of the last house of representatives be the rules and orders of this house.

Said resolution was adopted, and

Messrs. Thurston, Crawford, and Peterson, were appointed said committee.

Mr. Martin moved an adjournment of the house, till the 1st day of February next ;

The house refused to adjourn.

Mr. Thurston offered the following :—

WHEREAS, it appears, by the returns in the secretary's office, that, at the last June election, Wm. J. Bailey, Wm. Porter, and Albert Gains, of Champoeg county ; Anderson Cox, from Linn county ; H. Linville, from Polk county ; each were duly elected members of this house, and are now members, and entitled to seats in this house as members thereof ;

AND WHEREAS, the said members and each of them are absent ; therefore,

Be it resolved—That a warrant issue from this house, signed and sealed by the speaker, attested by the clerk, and, in due form of law, directed to the sergeant-at-arms, authorizing and commanding him forthwith to arrest said members, and each of them, and bring them into this house, to be dealt with as this house shall direct.

On motion of Mr. Thurston,

The house resolved itself into committee of the whole, on said resolution, Mr. Hembree in the chair, and,

After some time spent therein,

The committee rose, and reported that:—

The committee had had the said resolution under consideration, and,

Having proposed amendments to the same,

Reported the resolution back to the house.

On motion of Mr. Crawford,

The report was accepted, and adopted.

On motion of Mr. Hill,

The resolution, as amended, was adopted.

Mr. Thurston presented the form of a writ to be issued, signed and sealed by the speaker, and attested by the clerk.

Mr. Rice moved for leave to withdraw the form;

Leave was granted, and

The form was withdrawn.

The following form was then adopted by the house; to wit:—

Oregon territory } ss.

House of Representatives, 18 .

Oregon territory to Sergeant-at-arms, to the House of Representatives of Oregon territory.

GREETING:

You are hereby commanded to attach the body [or bodies] of and him [or them] forthwith bring before the house of representatives of Oregon territory, now in session, to answer to said house for failing to attend and take his [or their] seat [or seats] as a member [or members] from the county [or counties] of in the present legislature, and to be then and there further dealt with as this house shall direct.

In testimony whereof I speaker of the house of representatives of Oregon territory, have this day of A.D. 18 , set my hand, and affixed my private seal.

Speaker.

Attest:

Clerk.

Mr. Crawford moved, that the house now adjourn to 1 o'clock, P.M.

The house refused to adjourn.

Mr. Hembree moved, that the house adjourn to 9, A.M., to-morrow.

The house refused to adjourn.

Mr. Parker moved to fill the blanks in the writ now adopted by the house.

The house refused to fill the blanks.

Mr. Hill moved to adjourn to 10 A.M., to-morrow.

The house refused to adjourn.

On motion of Mr. Curry,

The house adjourned to 2 o'clock, P.M., to-morrow.

SATURDAY, DEC. 9, 1848.

Mr. Hedges, from committee to prepare a room for the use of the house, reported, as follows:—

Mr. Speaker,—The committee appointed to prepare the room, ask leave to report that they have attended to that duty, and now have said house ready for the accommodation of this body.

On motion,

The report was accepted.

On motion,

The report was adopted.

On motion of Mr. Hill,

The house adjourned to meet at the room prepared for the use of the present legislature.

In five minutes the house was again called to order by the speaker.

On motion of Mr. Thurston,

The clerk of this house reported—That, on the 8th day of Dec., 1848, he had drawn up a warrant, substantially in the form adopted by this house, on that day, inserting the names of Wm. J. Bailey, Wm. Porter, and Albert Gains, members elect from Champoeg county; Anderson Cox, member elect from Linn county; and Harrison Linville, the member elect from Polk county; that said writ was signed and sealed by the speaker of this house, attested by the clerk, and 10 o'clock, P.M., of the said 8th day of December, delivered to Wm. Holmes, sergeant-at-arms to this house.

On motion of Mr. Crawford,

The house adjourned, to meet at 9 o'clock, A.M., on Monday next.

MONDAY, Dec. 11, 1848.

On calling the roll,
Messrs. Hill, and Crawford, were absent.
On motion of Mr. Curry,
The house proceeded to the election of sergeant-at-arms, *pro.tem.*, to act until the return of Mr. Holmes, sergeant-at-arms to this house.
Mr. Parker moved to elect *viva voce*,
Which was decided in the negative.
The house proceeded to the election of sergeant-at-arms,
Messrs. Parker, Curry, and Lewis, acting as tellers.
Upon the first ballot:—
S. H. L. Meek, had 6 votes;
Mr. Allison, 2 votes;
Blank, 2 votes.
Mr. Meek having received a majority of all the votes cast,
Was declared duly elected sergeant-at-arms, *pro. tem.*
Mr. Rice moved to proceed to the election of enrolling clerk, when
The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Crawford, Hembree, Hedges, Martin, Lewis, and Rice—6.

Nays—Messrs. Curry, Parker, Peterson, Thurston, and Mr. Speaker.—5.

The house proceeded therefore to the election of enrolling clerk,
Messrs. Parker, Curry, and Lewis, acting as tellers.
Upon the first ballot:—
Calvin W. Cooke, had 5 votes;
Joseph Herford, 4 votes;
Samuel McSwain, 2 votes.
No person having a majority,
The house proceeded to a second ballot, with the following result:—
Calvin W. Cooke, had 5 votes;
J. Herford, 5 votes;
Samuel McSwain, 1 vote.
No person having received a majority of all the votes,
On motion of Mr. Thurston,
The election of enrolling clerk,
Was postponed till to-morrow morning.
Mr. Hembree moved to adjourn to 2 o'clock, P.M., to-morrow;
Which was not agreed to.
On motion of Mr. Crawford,
The house adjourned to 9 o'clock, to-morrow morning.

TUESDAY, Dec. 12, 1848.

Upon the call of the roll,

Messrs. Curry and Lewis, were absent,

But before the transaction of any business they appeared in their seats.

Mr. Hembree moved that the house adjourn until the first Tuesday in January, next,

Which was not agreed to.

Mr. Crawford offered the following, to-wit:

Resolved—That two-thirds of the members elect in this territory are a quorum competent to do any business that may come before them.

Mr. Rice moved to lay said resolution on the table,

Which was negatived.

On motion of Mr. Crawford,

The consideration of said resolution was postponed until to-morrow morning.

Mr. Thurston offered the following, to-wit:—

Resolved—That it is expedient and proper that this house select by ballot or otherwise, some suitable person to discharge the duties of Chaplain to this house during the present session of the legislature.

Mr. Parker moved to lay said resolution on the table,

Which was decided negatively.

Upon the adoption of said resolution,

The yeas and nays being demanded,

Those who voted in the affirmative were:—

Yeas.—Messrs. Crawford, Curry, Hedges, Hill, Martin, Rice, Lewis, Thurston, and Mr. Speaker.—10.

Nays.—Messrs. Parker and Hembree.—2.

So the resolution was adopted.

Mr. Crawford moved that the house adjourn to 9 o'clock, A. M., to-morrow.

The house refused to adjourn.

Mr. Parker moved that the house now proceed to the election of chaplain, and,

The yeas and nays being called for, were as follows:—

Yeas—Messrs. Hedges, Martin, and Parker—3.

Nays—Messrs. Crawford, Curry, Hembree, Hill, Lewis, Peterson, Rice, Thurston, and Speaker—9.

So the house did not agree to the motion.

On motion of Mr. Hembree,

The election of enrolling clerk was postponed till Friday next.

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

The house met, and

On motion of Mr. Hill,

The house adjourned to 9 A.M., to-morrow.

WEDNESDAY, DEC. 13, 1848.

On the call of the roll,

Messrs. Crawford and Curry, were absent.

On motion of Mr. Hembree,

Wm. J. Bailey, and Wm. Porter, members elect from Champoeg county, were sworn, and took their seats as members of this house.

On motion of Mr. Hill,

The resolution of Mr. Crawford, laid on the table until this day,

Was taken up,

And the further consideration thereof postponed until 2 o'clock, P. M., of this day.

Mr. Parker offered the following resolution :—

Resolved—That Wm. J. Bailey and Wm. Porter, be discharged from any liabilities, they have been placed under by any resolution or warrant that may have taken place or issued from this house for non-attendance as members of this house, they having appeared, been sworn, and taken their seats.

Mr. Thurston offered to amend by striking out all after the resolving clause, and insert the following:—That the excuse offered to this house by Messrs. Bailey and Porter, members from Champoeg county, for their non-attendance on this house, is satisfactory.

The amendment prevailed, and

The resolution was then adopted.

On motion of Mr. Thurston,

Mr. Rice had leave of absence for a few minutes.

On motion of Mr. Hembree,

The house adjourned to 2 o'clock P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

On calling the roll,

Messrs. Crawford and Curry were absent.

On motion of Mr. Hedges,

The sergeant-at-arms was directed to bring in the absent members.

Mr. Crawford appeared, and answered to his name.

On motion of Mr. Crawford,

The resolution laid on the table, till 2 P.M. this day,

Was taken up, when

Mr. Crawford offered to amend by striking out all after the resolving clause, and insert the following:—That from the returns in the secretary's office, of members elect to this legislature, the number of fourteen is sufficient to constitute a constitutional quorum to do business.

The amendment prevailed, and

The resolution, as amended,

Was not adopted.

Mr. Martin moved that the house now adjourn till the first Monday in February next, and,

The yeas and nays being demanded, were:—

Yeas—Messrs. Bailey, Hedges, Hembree, Martin, Porter, Peterson, Rice—7.

Nays—Messrs. Crawford, Hill, Lewis, Parker, Thurston, and Speaker—6.

Absent—Mr. Curry (on account of sickness)—1.

Whereupon the Speaker adjourned the house to the first Monday in February, A.D. 1849.

Attest:

W. G. T'VAULT, *Clerk.* RALPH WILCOX, *Speaker.*

JOURNAL

Of the House of Representatives,

Feb. 5, A.D. 1849.

Now on this day, in accordance with the adjournment of a portion of the members of the legislature of Oregon territory, as well as the proclamation of the governor of Oregon territory, a portion of the members elect, convened at the house of Walter Pomeroy, in Oregon City.

On motion of Mr. Hill,

Mr. Ralph Wilcox was called to the chair, and

W. G. T'Vault, appointed clerk, *pro tem.*

Upon calling the roll of members elect,

The following gentlemen answered to their names; to wit:—

Messrs. Applegate, Bailey, Crawford, Curry, Hedges, Hembree, Hill, Hudson, Portius, Rice, Thurston, and Wilcox—12

Twenty-three members being the apportionment for the present legislature, and a quorum of two-thirds of the apportionment not answering to their names,

On motion,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock the house met.

Upon the call of the roll, the following gentlemen answered; to wit:—

Messrs. Applegate, Bailey, Crawford, Curry, Hedges, Hill, Hudson, Lewis, Portius, Rice, Thurston, and Wilcox—12.

On motion of Mr. Hill,

The house adjourned to 10 A.M., to-morrow.

TUESDAY, FEB. 6, 1849.

The house met pursuant to adjournment.

Upon calling the roll of members elect, the following gentlemen answered; to wit:—

Messrs. Applegate, Bailey, Cox, Crawford, Curry, Hedges, Hembree, Hill, Hudson, Lewis, Martin, Parker, Peterson, Portius, Rice, Thurston, and Wilcox—17.

Being a quorum of two-thirds of the apportionment for the present legislature.

Mr. Thurston moved that the house proceed to organize by the election of a speaker, principal clerk, enrolling clerk, and sergeant-at-arms, and chaplain.

The motion prevailed.

Mr. Thurston moved to reconsider the vote on the motion to proceed to organize, &c., and,

On motion of Mr. Thurston,

A committee of three was appointed to examine the credentials of members.

Messrs. Thurston, Hembree, and Peterson, were appointed said committee.

Mr. Thurston, from committee to examine credentials of members, made the following report; to wit:—

Mr. Chairman,—The committee appointed to examine credentials of members, &c., have attended to that business, and beg leave to report—That there are now present, and entitled to seats in the present legislature, the following-named members from their respective counties; to wit:—

From Linn county—Henry J. Peterson, Anderson Cox;

From Yamhill county—A. J. Hembree, L. A. Rice, Wm. J. Martin;

From Polk county—Jesse Applegate;

From Champoeg county—Wm. J. Bailey, Samuel Parker, Wm. Portius;

From Clackamas county—G. L. Curry, M. Crawford, A. F. Hedges;

From Twality county—Ralph Wilcox, David Hill, Samuel R. Thurston;

From Vancouver county—Adolphus Lee Lewis;

From Clatsop counties—John Hudson;

From Lewis county—None;

From Benton county—None.

In all, seventeen members.

The report was accepted by the house, and

The aforesaid members elect

Were duly sworn into office by S. M. Holderness, secretary of Oregon territory..

On motion of Mr. Parker,

The house proceeded to the election of speaker.

Messrs. Curry and Hembree, acting as tellers.

Upon counting the first ballot, it was found that:—

Ralph Wilcox, had 11 votes;

Samuel Parker, 2 votes;

L. A. Rice, 1 vote;

Geo. L. Curry, 1 vote; and

Wm. J. Bailey, 1 vote.

Ralph Wilcox, having received a majority of all the votes cast,

Was declared duly elected speaker; whereupon

Mr. Wilcox declined accepting the office of speaker, and

The house proceeded to a second ballot, with the following result; to wit:—

M. Crawford, had 5 votes;

L. A. Rice, 6 votes;

Geo. L. Curry, 2 votes;

David Hill, 1 vote;

W. J. Bailey, 1 vote;

Samuel Parker, 1 vote; and

A. J. Hembree, 1 vote.

No person having received a majority of all the votes cast,

The house proceeded to a third ballot.

Messrs. Curry and Parker requested their names withdrawn.

Upon counting the third ballot, it was found that:—

L. A. Rice, had 9 votes;

M. Crawford, 7 votes; and

D. Rice, 1 vote.

Levi A. Rice, having received a majority of all the votes cast,

Was declared duly elected speaker of the house of representatives, during its present session, and

Was sworn into office by S. M. Holderness, secretary of Oregon territory.

On motion of Mr. Hembree,

The house proceeded to the election of principal clerk, when,

Upon counting the first ballot, it was found that:—

W. G. T'Vault had 12 votes;

C. W. Shaw, 1 vote;

C. W. Cooke, 2 votes;

W. K. Kilbourn, 1 vote; and

A. L. Lovejoy, 1 vote.

Mr. T'Vault, having received a majority of all the votes cast,

Was declared duly elected principal clerk of the house of representatives of Oregon territory, during its present session, and

Was sworn into office by the speaker.

On motion of Mr. Peterson,

The house proceeded to the election of enrolling clerk, when,

Upon counting the first ballot, it appeared that:—

James Cluse, had 15 votes;

Blank, 1 vote;

J. G. Campbell, 1 vote.

James Cluse was declared duly elected enrolling clerk.

On motion of Mr. Bailey,

The house now proceeded to the election of sergeant-at arms, when,

Upon counting the first ballot, it appeared that:—

John McLoughlin, had 2 votes;

J. Minick, 8 votes;

Wm. Holmes, 2 votes;

S. H. L. Meek, 4 votes.

No person having received a majority of all the votes,

The house proceeded to a second ballot, with the following result, to wit:—

Stephen H. L. Meek, received 9 votes;

Wm. Holmes, 2 votes;

John McLoughlin, 3 votes;

J. Minick, 3 votes.

Mr. Meek, having received a majority of all the votes cast,

Was declared duly elected sergeant at-arms, and

Was sworn into office by the speaker.

On motion of Mr. Thurston,

The clerk was authorized to insert "James," before Cluse, where the same is omitted in the entry made of the election of enrolling clerk.

On motion of Mr. Thurston,

The house proceeded to the election of chaplain,

Messrs. Wilcox and Crawford acting as tellers; when,

Upon counting the first ballot, it was found that:—

The Rev. G. H. Atkinson, had 2 votes;

Wilson Blain, 5 votes;

P. McCormick, 2 votes;

W. Blain, 2 votes;

Blank, 2 votes;

Rev. Mr. Atkinson, 2 votes;

Leslie, 1 vote;

Wm. Roberts, 1 vote.

No person having received a majority of all the votes,

The house proceeded to a second ballot, which resulted as follows; to wit:—

Wilson Blain, had 7 votes;

Wm. Roberts, 2 votes;

Abernethy, 5 votes;

Blank, 2 votes;

W. Blain, 1 vote.

No person having received a majority,

The house proceeded to a third ballot, which resulted as follows; to wit:—

Wilson Blain, 13 votes;

Wm. Roberts, 1 vote;
Abernethy, 2 votes;
Blank, 1 vote.

Wilson Blain, having received a majority of all the votes cast,

Was declared duly elected chaplain to the house.

On motion,

Messrs. Crawford, Cox, and Hudson, were appointed a committee to procure a room for the use of the present legislature.

Mr. Thurston offered the following resolution:—

Resolved—That a committee of three be appointed to inform the governor that the house of representatives is now organized, by the election of Levi A. Rice, as speaker, and Wm. G. T'Vault, as clerk, and are now ready to receive any communication he is prepared to make.

The resolution was adopted, and

Messrs. Thurston, Parker, and Lewis, were appointed said committee.

On motion of Mr. Hedges,

The rules and orders of the last house were adopted, as the rules and orders of this house, until repealed.

On motion of Mr. Crawford,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock, the house met.

Mr. Thurston made the following report; to wit:—

Mr. Speaker,—The committee, appointed to inform the governor of the organization of the house, have attended to that duty, and beg leave to report that the governor was pleased to say to said committee that he would communicate with the house forthwith.

The report was accepted.

Mr. Hill moved to reconsider the vote adopting the rules and orders of last session as the rules and orders of this house.

The house refused to reconsider the vote.

The sergeant-at-arms presented a sealed document from the governor, directed "To the Hon. the Legislative Assembly of Oregon Territory."

On motion of Mr. Thurston,

The clerk was authorized and required to break the seal of said communication.

When the following message from the governor was read to the house; to wit:—

To the Hon. the Legislative Assembly of Oregon Territory.

FELLOW CITIZENS,—

You are once more assembled in your legislative capacity under the provisional government of Oregon. The proclamation issued for the purpose of convening the legislature at this time, as you are well aware, was for the purpose of transacting the business that should have been done at the regular session, but which was not attended to in consequence of there not being a sufficient number of the members present to form a quorum. At that time there was no certainty of a territorial government having been organized for the territory of Oregon by the congress of the United States.

Since that period we have received information that our territory has been provided for; that the officers necessary to carry on the government have been appointed and are now on their way to this territory, and will no doubt soon be in our midst.

This entirely changes the aspect of affairs, and places us in a far happier position than the one hitherto occupied by us as a people; we will take rank with our sister territories, and I have no doubt will soon be admitted as one of the states of the Union.

Oregon will make rapid strides under the protection of the stars and stripes, and I trust the wisdom of our legislative bodies will be apparent in the right direction given to her steps.

The most important business that will come before you at this session will be that connected with the late Indian difficulties.

I am happy to inform you that through aid of the territory to go in pursuit of the murderers and their allies, and of those who contributed so liberally to the support of our fellow citizens in the field, the war has been brought to a successful termination.

It is true that the Indians engaged in the massacre were not captured and punished; they were however driven from their homes, their country taken possession of, and they made to understand that the power of the white man is far superior to their own. The Indians have a large scope of country to roam over, all of which they were well acquainted with, know every pass, and by this knowledge could escape the punishment they so justly merited. In view of this the troops were re-called and disbanded early in July last, leaving a small force under the command of Capt. Martin to keep possession of the post at Waulatpu, and a few men at Wascopen. Capt. Martin remained at Waulatpu until the middle of September, when the time for which his men had enlisted expired. He however, before leaving, sent a party to bring in the last company of emigrants.

The appearance of so many armed men among the Indians in their own country had a very salutary effect on them; this is seen by their refusing to unite with the Cayuse Indians, by their professions of friendship to the Americans, by the safety with which the immigration passed through the Indian country the past season.

Heretofore robberies have been committed and insults offered to Americans as they would pass along, burdened with their families and goods, and worn down with the fatigues of a long journey, and this was on the increase; each successive immigration suffered more than the preceding one; but this year no molestation was offered, in any way. On the contrary, every assistance was rendered by the Indians in crossing rivers, for a reasonable compensation.

Having learned the power and ability of the Americans, I trust the necessity of calling on our citizens to punish them hereafter will be obviated.

I submit to you the report of the adjutant-general, by which it will be seen that the expense incurred, for the services of privates and non-commissioned officers, in accordance with an act passed 28th Dec., 1847, allowing one dollar and fifty cents per day, amounts to $109,-311 50; in addition to this will be the pay of the officers, and persons employed in the several departments connected with the army.

This will devolve on you to arrange during your present session; until it is done the total expenses of the war cannot be ascertained. Accompanying the report you will find the report of the commissary, and quarter-master-general department. One thing connected with the war department needs attending to. It is well known that the volunteers endured much fatigue and hardship, and suffered many privations while prosecuting the war; and, as many of them wish to avail themselves of the funds due them to supply their immediate wants, I would recommend that a law be passed authorizing scrip to be issued, redeemable as early as possible for the amount due each individual, and bearing interest until paid.

It has been supposed that the United States government would pay the expenses of this war; and I see no reason to doubt it, as it was entered into for the protection of American citizens. This will induce persons to purchase the scrip, and enable the holders to realize something for their services.

Every effort was made by me, after the breaking out of these difficulties, to get letters to California, asking for assistance from governor Mason. The earliest conveyance by which I could forward letters was the brig *Henry*, in March. By the return of the *Henry*, in August, a liberal supply of ordnance, and ordnance stores, was received from California, though not in time for the late campaign; still, should any difficulty occur hereafter, it places in our hands the means of defence.

The proposed amendments to the Organic law will come before you for final action; to amend the oath of office, to make the clerks of the different counties recorders of land claims, &c., and to strike out the word "regulate," and insert the word "prohibit," in the clause relating to the sale of ardent spirits. The last amendment came before the people for a direct vote, and I am happy to say that the people of this territory decided through the ballot box, by a majority of the votes given, that the word "prohibit" should be inserted.

This makes the question a very easy one for you to decide upon. I am fully satisfied that if ardent spirits could be kept out of this country, it would tend very much to promote the prosperity and welfare of the territory.

This is destined to be a very wealthy portion of the United States; and, if to this we can add the most temperate, nothing will prevent our rising, and becoming a valuable acquisition to the union. Much power now lies in your hands, and, I sincerely hope, we may commence our new career with a law in our statute books, prohibiting the manufacture and sale of ardent spirits in Oregon territory.

I would call your attention to a law passed at the last session of the legislature, entitled "An act to prevent the introduction of fire-arms among the Indians." As many of the Indians live by hunting, and a small quantity of powder and lead is actually necessary to provide for their wants, I think the law should be modified, so as to permit the sale of powder and lead to friendly Indians.

A communication is about to be opened with the eastern states, through the agency of the steamers, that will tend very much to the advantage of this territory. Every facility we can afford them will help us. Coal, in large quantities, will be required for their use. This article is, no doubt, abundant in this territory; and, if any way could be devised by which supplies from the different portions of the country could be procured and forwarded to their agents in order that the different qualities might be tested, it would tend to benefit us. If we have coal of the right description, so located that it can easily be placed on the banks of the Columbia river, there is no doubt that the Columbia river will become their principal depot. The dangers that have been thrown around the mouth of our river, will vanish on their first entering, and the dreaded bar will soon be forgotten.

As the probability is that the legislature of Oregon will convene at no distant day, under the new government, when the laws passed will have a more permanent basis to rest upon than at present, I would recommend that, after the indispensable business of the session is attended to, you adjourn.

In closing, permit me to unite with you in an expression of thankfulness to our Creator, for the many mercies bestowed on us during the past season, among which may be enumerated an abundant harvest, and the blessing of health. May we look to him for guidance and direction in the discharge of our several duties.

GEO. ABERNETHY.

Oregon City, Feb. 5, 1849.

On motion of Mr. Curry,

A blank number of copies of the governor's message was ordered to be printed for the use of the house.

Mr. Applegate offered the following resolution for adoption, to wit:

Resolved by the House of Representatives of Oregon Territory—That the commissary-general be, and he is hereby, authorized to dispatch an agent to the residence of J. B. Knox, late regimental pay-master to the first regiment of Oregon riflemen, for the purpose of obtaining all books and papers which may be found in the possession of his agents or attorneys, relating to his duties as pay master. And the commissary-general shall report the expenses incurred in carrying into effect this resolution.

Said resolution was adopted by the house.

Mr. Thurston offered the following:—

Resolved—That there be a committee of three to prepare rules and orders for the government of this house, and, until the report of said committee, the rules and orders of the last legislature be adopted as the rules and orders of this house.

The resolution was adopted, and

Messrs. Thurston, Curry, and Applegate, were appointed said committee.

On motion of Mr. Thurston,

The sergeant-at-arms is required, and directed, to act as door-keeper and messenger to the house, during the present session.

Mr. Curry offered the following:—

Resolved—That the secretary of the territory be requested to inform this house whether any returns of elections to fill vacancies in the representation from Benton, Polk, Lewis, and Champoeg counties, have been received at his office.

Said resolution was adopted.

Mr. Wilcox offered the following, to-wit:—

WHEREAS, the late Cornelius Gilliam, colonel of the 1st regiment of Oregon riflemen, while in command of the forces of this territory, distributed to the officers and soldiers under his command, military stores to the amount of $393 66, for which the commissary-general holds his receipts; and also ordered the sale at auction, for the benefit of the Oregon government, sundry horses captured from the enemy; and, there being no vouchers, or other papers relative to the said transactions, found among the papers of the deceased Colonel Gilliam,

This house entertains the utmost confidence in the integrity of the said Colonel Gilliam, and that the stores receipted for by him to the commissary department, and the proceeds of the said sale of horses, were by him faithfully and properly applied to the public service; therefore,

Resolved by the House of Representatives of Oregon Territory—That the heirs of the estate of Cornelius Gilliam, deceased, be, and they are hereby, discharged from all responsibility to the Oregon government, for the military stores distributed to the army, and horses sold by his order, for the benefit of the Oregon government; and the commissary-general is hereby authorised to transfer the said military stores and horses to the credit of their proper account.

* * *

Said resolution was adopted.

On motion of Mr. Hill,

The house adjourned to 9 o'clock, to-morrow morning.

WEDNESDAY, FEB. 7, 1849.

The house met pursuant to adjournment.

Upon the call of the roll, seventeen members answered to their names.

The speaker announced the following standing committees, to-wit:—

Committee on elections—Messrs. Bailey, Crawford, and Applegate;

Committee on ways and means—Messrs. Crawford, Hembree, and Thurston;

Committee on judiciary—Messrs. Thurston, Parker, and Hedges;

Committee on commerce—Messrs. Hudson, Lewis, and Wilcox;

Committee on Indian affairs—Messrs. Lewis, Curry, and Martin;

Committee on military affairs—Messrs. Martin, Cox, and Wilcox;

Committee on foreign affairs—Messrs. Cox, Hill, and Parker;

Committee on currency—Messrs. Curry, Crawford, and Applegate;

Committee on land claims—Messrs. Hill, Martin, and Hudson;

Committee on education—Messrs. Peterson, Curry, and Portius;

Committee on enrolled bills—Messrs. Applegate, Thurston, and Peterson;

Committee on roads and highways—Messrs. Portius, Hembree, and Peterson;

Committee on seat of government—Messrs. Hedges, Bailey, and Hill;

Committee on internal improvements—Messrs. Wilcox, Lewis, and Hudson;

Committee on apportionment—Messrs. Parker, Portius, and Thurston;

Committee on claims—Messrs. Hembree, Bailey, and Cox.

Mr. Hill presented the petition of sundry citizens of Twality and Yamhill counties for a rail road from Portland to Yamhill falls;

Referred to committee on internal improvements.

Mr. Applegate presented the petition of sundry citizens for sundry purposes;

Referred to committee on internal improvements.

Mr. Curry offered the following resolution, to-wit:—

Resolved—That the record of the proceedings of certain members of this house, who met in this city, on the first Tuesday in December last, in conformity with law, and adjourned until the first Monday in February, 1849, in consequence of not being able to procure the attendance of sixteen members, which number was judged to be the constitutional quorum, of right ought to be, and the same is hereby adopted as a part of the record of this house.

On motion of Mr. Thurston,

Said resolution was made the order of the day for to-morrow, Feb. 3rd, 1849.

Mr. Thurston offered the following resolution, to wit:—

Resolved—That A. J. Hembree and Medorum Crawford, members of the committee on stationary, selected for that purpose at the meeting of this body in December last, be requested to inform this house forthwith, whether they have any stationary in their hands procured for the territory, and if so to deposit the same forthwith with the clerk of this house.

Said resolution was adopted.

Mr. Thurston offered the following resolution, to wit:—

Resolved—That the adjutant-general be requested to inform this house, in writing, at the earliest practicable time, of the names and numbers and grade, with the number in each grade of all military officers in this territory, since the 22d day of December, 1847, and the date of their several commissioners, together with a complete roll of all officers and men engaged at any time since the 10th day of December, 1847, by the war department, their rank, grade, and time of service, how long each actually served, and whether any and who quit the service without being duly discharged by the proper officer; what proclamations and military orders have been issued since the 23th day of December, 1848, by the governor or commander-in-chief of the militia, and whether the same have been recorded, and if not why not; what orders he has issued as received from the governor or commander-in-chief, and whether they have been recorded, and if not, why not; whether he issued forms to all officers required to make returns, and what returns he has received from military officers, and the names of each officer making the same, and whether said returns have been duly recorded, and if not, why not; whether any person authorized by law to receive military stores or funds for obtaining the same, and who has reported to him the kind of funds or stores so received and to whom the same were delivered, and if so, whether said reports have been recorded, and if not, why not; also if any such report has been made, to deposit with the clerk of this house for the use of the members during the present session; whether the commissary-general has reported to him the manner in which he has expended or disposed of military funds and stores, and if so, whether said report has been recorded, and if not, why not; and also to deposit said report with the clerk for the use of the house; whether he has reported quarterly to the governor, the state of the militia and military stores, and if not, why not; together with an account of all other official acts of his pertaining to the office of adjutant general, which he may deem of use to the legislature in adjusting the several matters growing out of the late war.

Resolved further—That a copy of this resolution, signed by the speaker and attested by the clerk, be forthwith left with said adjutant general by the sergeant-at-arms to this house.

Said resolution was adopted.

Mr. Thurston offered the following resolution, to wit:—

Resolved—That the commissioners appoint by virtue of an act entitled "an act appointing commissioners to negotiate a loan, &c.," and approved December 22d, 1847, be and they are hereby requested to inform this house in writing, at the earliest practicable period, what is the entire amount of loans they have made since their appointment, the names of the several persons from whom loans have been obtained and the amount obtained from each; what part of the entire sum has been negotiated in cash, and what part in other property, and what kind of property; to what extent they have pledged the faith of the territory, and how, and the names of all persons to whom they have executed the bonds of the territory, with the amount of each particular bond, and when executed; and whether any loans have been negotiated by them, and of whom, and to what amonnt in the aggregate and the particular amount so negotiated of each individual, for which no bonds have been executed; what amount of funds with the amount of each particular kind of funds, the commissary general has drawn from their hands by drafts, and the amount and date of each draft with the time when borrowed; whether any drafts made on them by the commissary general has been dishonored, and if so, for what cause, and the value of such draft; whether all bonds executed by them have been signed by the governor, and countersigned by the secretary of the territory, if not, how otherwise; whether all articles negotiated by them have been negotiated at their cash value, or how otherwise; whether they have paid over all funds negotiated for by them, to whom paid over, and if not, how much and what kind of funds now remain in their hands, and whether any property or cash negotiated and paid for by the bonds of the territory was remaining in the hands of the person of whom negotiated at the close of the late war, and if so, in whose hands, and what amount, and what disposition has been made of the same; and also to furnish this house with all other information in their possession and pertaining to their office, which they may deem useful to this house in disposing of the several matters growing out of the late war.

Be it further resolved—That a true copy of this resolution, signed by the speaker, and attested by the clerk, be forthwith left with Hugh Burns, Esq., one of said commissioners, by the sergeant-at-arms to this house.

Said resolution was adopted.

On motion of Mr. Applegate,

The governor's message,

Was taken up, and disposed of as follows; to wit:—

That portion relating to convening the legislature by proclamation, and

The information of the organization of a territorial government for Oregon territory, by the government of the United States, was,

On motion of Mr. Thurston,

Referred to the committee on foreign affairs;

That portion relating to the war, and Indian difficulties, was,

On motion of Mr. Wilcox,

Referred to committee on Indian affairs;

That portion in relation to the adjutant, commissary, and quarter-master-generals, was,

On motion of Mr. Applegate,

Referred to committee on military affairs;

That portion in relation to paying the volunteers in scrip, was,

On motion of Mr. Hill,

Referred to committee on ways and means;

The amendment of the organic law, in relation to the oath of office, and recorder of land claims, was,

On motion of Mr. Crawford,

Referred to committee on the judiciary;

That portion in relation to the amendment of the organic law, by striking out "regulate," and insert "prohibit," was,

On motion of Mr. Applegate,

Laid on the table;

That portion in relation to modifying the law in relation to selling fire-arms to the Indians, was,

On motion of Mr. Wilcox,

Referred to committee on Indian affairs;

That portion relating to coal, was,

On motion of Mr. Wilcox,

Referred to committee on ways and means;

That portion in relation to the adjournment of the legislature, after they had disposed of the indispensable business of the session, was,

On motion of Mr. Crawford,

Referred to committee on roads and highways.

On motion of Mr. Crawford,

The house adjourned to 2 o'clock, P. M.

AFTERNOON SESSION.

At 2 o'clock, the house met.

The following report was received from the secretary of Oregon territory; to wit:—

Representatives elected at the special election, as by order issued December 20th, 1848:—

Benton county—A. M. Locke, J. C. Avery;
Polk county—Jesse Applegate, Thos. J. Lovelady.

Returns of special election, as ordered, day and date above-mentioned.

S. M. HOLDERNESS,
Secretary, O.T.

Oregon City, Feb. 7, 1849.

Mr. Curry offered the following; to wit:—

Resolved—That a writ issue from this house against Harrison Linnville, Thos. J. Lovelady, J. C. Avery, and A. M. Locke, directed to the sergeant-at-arms, commanding him to take the bodies of the above-named persons, and bring them forthwith into the house, to show cause why they have not attended the present session of the legislature, and to be otherwise dealt with, as the house may direct.

The yeas and nays being demanded on the adoption of the said motion, those who voted on the affirmative, were as follows:—

Yeas—Messrs. Applegate, Curry, Cox, Hedges, Hill, Hembree, Hudson, Lewis, Thurston, and Speaker—11.

Nays—Messrs. Bailey, Crawford, Martin, Parker, Peterson, and Portius—6.

So the resolution was adopted.

On motion of Mr. Thurston,

The Speaker and Clerk of this house are required to issue said writ.

Mr. Applegate, on leave, introduced "A bill to incorporate the Klamet company;"

Read a first time, and passed to a second reading on to-morrow.

On motion of Mr. Parker,

Mr. Thurston was discharged from acting as chairman of the committee to prepare rules and orders for the government of this house, during its present session;

Said motion was made at the request of Mr. Thurston.

On motion of Mr. Applegate,

Mr. Hill was appointed chairman of the committee to prepare rules and orders for the government of this house, during the present session.

On motion of Mr. Crawford,

The house adjourned to 9 o'clock, A. M., to-morrow.

FEB. 8, 1849.

House met pursuant to adjournment.

Seventeen members answered to their names, upon the calling of the roll.

Mr. Curry presented the petition of John McLoughlin, praying a charter to construct a break-water at the Willamette Falls.

Mr. Thurston moved a point of order in the reception of petitions without the necessary evidences of a compliance with the Iowa statutes, in relation to petitions.

The chair decided that the petition could not be received without the evidences of notice as required by the Iowa statutes.

Mr. Curry appealed from the decision of the chair, and the question being put—Will the house sustain the decision of the chair?

The yeas and nays were demanded, when those voting affirmatively were:—

Yeas—Messrs. Applegate, Cox, Hedges, Hill, Hudson, Lewis, Parker, Peterson, Portius, Thurston, and Wilcox—11.

Nays—Messrs. Bailey, Curry, Crawford, Hembree, and Martin —5.

So the decision of the chair was sustained, and

The petition rejected.

On motion of Mr. Applegate,

The several petitions presented to this house were ordered to be returned to the persons presenting them.

Mr. Wilcox asked leave of absence for Mr. Martin for two days;

Leave was refused.

Mr. Thurston, from committee on judiciary, reported "A bill concerning the oath of office and recorder of land claims;"

Read a first time, and made the special order of the day for to-morrow, Feb. 9.

Mr. Curry offered the following resolution; to wit:—

Resolved—That the governor be, and he is hereby, requested to inform this house forthwith of the names of all persons, with the rank, grade, and term of service of each person composing the expedition dispatched by him overland to California, in the month of February last, the aggregate amount of expenses of said expedition, and the particular items making up that aggregate; also, to place this house in possession of a copy or copies of all the original dispatches, and all the correspondence in any way relating to said expedition; and that he will likewise furnish this house with a copy or copies of all dispatches, or correspondence, to or with governor Mason, of California, which were forwarded by Capt. Kilborn, of the brig *Henry*, during the spring of last year, as referred to in his recent communication to this house.

Said resolution was adopted.

Mr. Applegate offered the following resolution; to wit:—

Resolved—That the officers of the government required to report to this house, be permitted to report the original documents on file in their several offices, so far as the same contain the information required by this house, and the said papers shall be in the charge of the clerk of this house, for the use of the members, to be returned to their proper offices at such time as this house may order.

Said resolution was adopted.

Mr. Lewis offered the following resolution; to wit:—

Resolved—That the governor be, and he is hereby, requested to inform this house, as soon as convenient, what disposition, if any, has been made with regard to certain arms and ammunitions, what number of guns, quantity of powder and balls seized at Wascopan, in August last, by order of government.

Said resolution was adopted.

Mr. Applegate offered the following resolution; to wit:—

Resolved by the House of Representatives of Oregon Territory—That the statute laws of Iowa, adopted as the laws of Oregon, so far as the same are applicable, &c., have not been considered by previous legislatures as applicable to the circumscribing of the right of petition; nor, in the opinion of this house, should the right of petition be circumscribed.

Mr. Thurston moved to amend said resolution, as follows:—

Strike out all after the words "Oregon territory," and insert the following:—"That the statute law of Iowa, regulating the right of petition, and approved January 19, 1839, has not been considered by past legislatures of Oregon, as applicable to this territory, and that such is the opinion of this legislature."

Upon the question to adopt said amendment,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Hedges, Hill, Wilcox, and Speaker—4.

Nays—Messrs. Applegate, Bailey, Cox, Crawford, Curry, Hembree, Hudson, Lewis, Martin, Parker, Peterson, and Portius—12.

So the amendment was lost.

On motion of Mr. Applegate,

Said resolution was laid upon the table.

The bill to incorporate the Klamet company,

Was read a second time, and referred to committee of the whole.

On motion of Mr. Applegate,

The house went into committee of the whole,

Mr. Hill in the chair, and,

After some time spent therein,

The committee rose and reported that:—

The resolution, with regard to the record of the proceedings of the December session of the legislature, Had been under consideration, and

Had been amended.

On motion of Mr. Crawford,

The report was accepted by the house.

Mr. Wilcox moved that the house adjourn till 2 o'clock, P.M.

The house refused to adjourn.

On motion of Mr. Hedges,

The resolution of Mr. Curry, in relation to the records of last December session of the legislature,—

Was adopted.

On motion of Mr. Crawford,

The house adjourned until half-past 1 o'clock, P.M.

AFTERNOON SESSION.

At half-past 1 o'clock the house met.

Mr. Applegate reported the resolution concerning the heirs of the late Col. Gilliam, as truly enrolled.

On motion of Mr. Curry,

The issuing of the writ for H. Linville, and other members of this legislature, be stayed, until further ordered by this house.

On leave,

Mr. Parker presented the petition of sundry citizens of Oregon, on the subject of a mint.

Said petition was referred to a select committee, composed of one from each county, represented as follows:—

Messrs. Parker, Cox, Hembree, Wilcox, Hudson, Lewis, Curry, and Applegate.

Mr. Curry presented the petition of sundry citizens of Oregon, praying the establishment of a mint;

Referred to the above committee of one from each county.

Mr. Martin reported "A bill for the pay of the Oregon volunteers;"

Read a first time, and

Ordered to a second reading on to-morrow.

On motion of Mr. Applegate,

The resolution relative to the right of petition,

Was taken up, and adopted.

On motion of Mr. Applegate,

The house adjourned to 9 o'clock, to-morrow morning.

* * *

FEB. 9, 1849.

House met pursuant to adjournment.

Messrs. Applegate, Lewis, and Portius, were absent.

On motion of Mr. Hedges,

The sergeant-at-arms was dispatched after absent members.

Messrs. Applegate, Lewis, and Portius, appeared, and took their seats.

The journal was read and corrected.

Mr. Hill offered the following resolution; to wit:—

Resolved—That, in the opinion of this house, so much of the act in the Iowa statute as regulates the mode of petition, is not in force, and never has been considered to apply in the laws of Oregon.

Upon the adoption of said resolution,

The yeas and nays were demanded, and were as follows:—

Yea—Mr. Hill—1.

Nays—Messrs. Applegate, Bailey, Cox, Crawford, Curry, Hedges, Hudson, Lewis, Martin, Parker, Peterson, Portius, Thurston, Wilcox, and Speaker—15.

So the resolution was not adopted.

Mr. Applegate moved to reconsider the vote on the resolution of Mr. Hill, and,

The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Applegate, Cox, Crawford, Curry, Hembree, Hill, Hudson, Lewis, Peterson, Martin, Parker, Portius, and Wilcox —13.

Nays—Messrs. Bailey, Hedges, Thurston, and Speaker—4.

The house decided to reconsider.

Mr. Wilcox offered the following, as an amendment, to wit:—

Resolved—That all petitions presented to this house shall be received, and acted upon, whether the petitioners have fulfilled the requirements of the statute law of Iowa, or not.

The amendment prevailed, and

The resolution, as amended, adopted.

Mr. Curry presented the petition of Walter Pomeroy;

Received, and referred to committee on internal improvements.

Mr. Curry presented the petition of John McLoughlin;

Referred as above.

Mr. Curry presented the petition of Thos. McGruder;

Received, and referred to committee on judiciary, with instructions to report at as early a period as practicable.

Mr. Wilcox presented the petition of sundry citizens of Twality and Yamhill counties, praying for a rail-road from Portland to Yamhill Falls;

Referred to committee on internal improvements.

Mr. Applegate presented the petition of D. Snelling,

Which was referred as follows; to wit:—

The first subject,

On motion of Mr. Crawford,

To committee on commerce;

The second subject,

On motion of Mr. Thurston,

To committee on internal improvements;

The third subject,

On motion of Mr. Thurston,

To committee on commerce;

The fourth subject,

On motion of Mr. Crawford,

To committee on military affairs;

The fifth subject,

On motion of Mr. Thurston,

To committee on ways and means;

The sixth part,

On motion of Mr. Applegate,

To committee on judiciary.

On motion of Mr. Martin,

A call of the house was made.

Mr. Hembree was absent.

The sergeant-at-arms was directed to bring Mr. Hembree into the house.

Mr. Lewis offered the following resolution, to wit:—

Resolved—That the superintendent of Indian affairs be, and he is hereby, required forthwith to report to this house the proceedings in his department, and the state of our relations with the neighbouring tribes, as is required in section 4 of the act creating the office of superintendent of Indian affairs, and approved August, 1845; Whether he has, upon his own, or the authority of any other officer of this government, confiscated to the use of the people of Oregon any Indian country, and if so, why so? If any grant or charter has been given by him to any citizen or citizens, for the settlement of any Indian country, and if so, by what and whose authority; and whether the law to prohibit the sale, barter, or giving to the Indians, spirituous liquor, has been enforced as required in section 2 of the act to create the office of superintendent of Indian affairs.

Said resolution was adopted.

Mr. Thurston offered the following resolution; to wit:—

Resolved—That blank be a committee to prepare a suitable memorial to the congress of the United States, touching the interests and wants of Oregon.

On motion of Mr. Thurston,

Said resolution was laid on the table.

Mr. Curry offered the following resolution; to wit:—

Resolved—That in the opinion of this house, that part of the organic law which states that two-thirds of the house shall constitute a quorum, shall be construed to mean two-third of the members returned as elected to said house, not two-thirds of the members allowed by apportionment.

On motion of Mr. Curry,

Said resolution was laid on the table.

Mr. Lewis offered the following resolution; to wit:—

Resolved—That the Governor be, and is hereby, requested to inform this house forthwith, whether there is, at this present time, any person discharging the duties of superintendent of Indian affairs; if not, why not?

Said resolution was adopted.

On motion of Mr. Crawford,

The house adjourned to 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock, the house met.

Upon the call of the roll,

Messrs. Curry and Hill were absent.

On motion of Mr. Hembree,

The sergeant-at-arms was required to bring absent members into the house.

Messrs. Hill and Curry appeared, and took their seats.

On motion of Mr. Thurston,

The chair appointed a select committee to settle with the loan commissioners, consisting of Messrs. Thurston, Hembree, and Crawford.

Messrs. Lewis and Cox were appointed said committee.

Mr. Hill presented the claim of Geo. Sigler, against Oregon territory;

Referred to committee on claims.

The report of Hugh Burns, one of the loan commissioners,

Was made, as follows; to wit:—

To the Hon. the Legislative Assembly of Oregon Territory.

GENTLEMEN,—

I present you with a schedule of our transactions as loan commissioners for the territory. In accordance with our duties as loan commissioners, we have paid over with the exception of forty-two dollars and seven cents, all moneys and available means to the commissary general, for which we have obtained his vouchers, with an account of which you are now presented. It will be found on examination that we have issued more bonds than we have vouchers for to meet which discrepancy, we have a draft of five-hundred dollars on Hamilton Campbell.

Aggregate amount of bonds issued $14,761 75; aggregate amount of vouchers for commissary general, $14,334 95; leaving a balance of $416 80.

To meet the above we have balanced in Geo. Abernethy's books to our credit $42 07; Rev. Wm. Roberts draft on H. Campbell, $500 00; leaving a balance in our favor of $125 27.

The five hundred dollar draft above alluded to is a draft drawn by the Rev. Wm. Roberts on H. Campbell, to the order of the Oregon loan commissioners. W. H. Willson, one of the board, took charge of the draft and was to present to Mr. Campbell for payment. The order or draft was presented to Mr. Campbell, but for what cause I am not able to inform your Honorable Body, for neither property nor money came into our hands as payment of said draft, but I think it was delivered over to the commissary general's agents by Mr. Campbell.

There were some drafts drawn on us by the commissary general as bonds for the payment of debts which the commissary general had contracted.

These drafts we did not accept for this reason, we did not think the commissary general or any other officer of this government, had any right to purchase property or negotiate a loan of any kind, without our knowledge or consent, and call on us to pledge the faith of this territory for its payment, as the commissioners *alone* were only authorized to negotiate a loan and pledge the faith of this territory for its payment. The act creating the present board authorizes them wherever it becomes necessary to affix the cash value of property, to have it appraised by men under oath, consequently we could not execute a bond for the payment of property purchased by the commissary general or any other officer as they wished. If the bonds were placed in our hands subject to the draft or drafts of the commissary general then of course we should issue to the extent of our limits.— On the 28th of March last or near that time, the commissary general told me that when he was at the Dalles, it became necessary for him to take wagons and oxen, the property of Phelaster and Philemon Lee, to the amount of two hundred and fifty dollars. I consented to give bonds to that amount and did so, but in a few days, I was called upon by different persons for bonds for a very large amount. I refused to execute bonds to them until I could see the other two commissioners, and when we met together, it was thought best not to give any more bonds for any property, as we knew nothing about it; so for these reasons we refused to give bonds for any more of the property taken at the Dalles by the commissary general.

There is another matter I wish to explain, it is this: When I commenced to collect funds I was not able to obtain any money except orders on the stores in Oregon City, in consequence of this, it was impossible for the commissary general to obtain articles for the use of the army.

He told me he could get axes and spades, and these articles were very much wanted to make roads for wagons to pass up the Columbia river. Philip Foster had subscribed fifty dollars to be paid on the stores, and John B. Price twenty-five to be paid also on the stores. These gentlemen told me, if I would give them twenty-five per cent premium, they would let me have cash, and I told them I would do so. Mr. Foster gave me thirty-seven dollars and a half, and I gave him a bond for fifty dollars; Mr. Price gave me eighteen dollars and seventy-five cents, and I gave him a bond for twenty-five dollars.—This I did for the best, but should your Honorable body think otherwise, I am ready to pay to this government out of my own funds, the amount of premium that I found at that time necessary to allow. I bring this to your particular notice because it was noticed at the time by one of the presses of Oregon City. Whatever your decision on this point may be, I alone am responsible as my two associates know nothing of the matter. The commissary general or his agent, A. J. Hembree, Esq., obtained a loan of one hundred and ninety-six dollars and a half, or thereabouts, from Thomas Justins for which they agreed to get him a bond for two hundred and sixteen dollars and thirty-three cents. I first refused to give the bond for that amount, but the commissary general being very much in want of cash, and upon consideration, sooner than the money should be returned, I executed the bond to Thomas Justin for two hundred and sixteen dollars and thirty-five cents. All bonds issued by us bear interest at the rate of ten per cent per annum, and all signed by the governor and countersigned by the secretary of this territory. All the books and papers belonging are hereby transmitted for your examination.

Owing to the resignation of Gen. A. L. Lovejoy, as one of the commissioners, and the absence of Dr. W. H. Willson, this document will appear with but one signature.

(Signed,) HUGH BURNS, *Commissioner.*

Oregon City, Feb. 8, 1849.

Said report, and accompanying documents,

Were referred to the committee appointed to settle with the fund commissioners.

On motion of Mr. Wilcox,

Hugh Burns, Esq., loan commissioner, appeared before the house to answer questions.

On motion of Mr. Thurston,

Hamilton Campbell is requested to appear before the house to answer questions.

The bill for the pay of the officers of the army,

Was considered,

Read a *second* time by its title, and referred to committee of the whole.

The bill in relation to the oath of office, and the recorder of land claims,

Was read a second time by its title, and referred to committee of the whole.

On motion of Mr. Curry,

The house went into committee of the whole,

Mr. Curry in the chair, and,

After some time spent therein,

The committee rose, and

The chairman reported that the committee had considered :—

The bill to amend the organic law,

And amended the same.

On motion of Mr. Parker,

The report of the committee was accepted.

On motion of Mr. Applegate,

The bill to amend the organic law, in regard to the oath of office and recorder of land claims,

Was ordered to be engrossed, and

Read a third time on to-morrow.

On motion of Mr. Applegate,

The house resolved itself into a committee of the whole,

Upon the bill for the pay of officers,

Mr. Parker in the chair, and,

After some time spent therein,

The committee rose, and

The chairman reported that the committee had considered and amended :—

The bill for the pay of officers, &c.

On motion of Mr. Hill,

The bill was laid on the table.

On motion of Mr. Parker,

The house went into committee of the whole,

On the bill to charter the Klamet company,

Mr. Crawford in the chair, and,

After some time spent therein,

The committee rose, and reported progress, and

Asked leave to sit again.

On motion of Mr. Parker,

The report was accepted.

Mr. Parker moved to indefinitely postpone the bill, upon which

The yeas and nays were demanded, and were as follows :—

Yeas—Messrs. Cox, Hedges, Hill, Parker, and Peterson—5.

Nays—Messrs. Applegate, Bailey, Crawford, Curry, Hembree, Hudson, Lewis, Martin, Portius, Thurston, Wilcox, and Speaker—12.

So the bill was not indefinitely postponed.

On motion of Mr. Parker,
The house went into committee of the whole,
Upon the bill to charter the Klamet company,
Mr. Hamilton in the chair, and,
After some time spent therein,
The committee rose, and
The chairman reported that the committee had had
The bill to charter the Klamet company,
Under consideration, and had amended the same, and
Asked leave to sit again.
On motion of Mr. Crawford,
The report of committee was accepted.
On motion of Mr. Curry,
The house adjourned till 7, P.M.

EVENING SESSION.

At 7 o'clock, P.M., the house met.

Mr. Peterson moved for leave of absence for Wm. J. Bailey, during the remainder of the session.

The house refused to give Mr. Bailey leave of absence.
On motion of Mr. Parker,
The house went into committee of the whole,
Upon the bill to charter the Klamet company,
Mr. Hembree in the chair, and,
After some time spent therein,
The committee rose, and
Reported the bill back to the house,
Asking leave to sit again.
On motion of Mr. Parker,
The report was accepted.
On motion of Mr. Thurston,
The house agreed to go into committee of the whole,
On the bill to charter the Klamet company,
On to-morrow, at 2 o'clock, P.M.
On motion of Mr. Crawford,
The house adjourned to 9 o'clock, A.M., to-morrow.

FEB. 10, 1849.

House met pursuant to adjournment.
After the calling of the roll, and correcting the journals,

Mr. Applegate, from the committee on enrolled and engrossed bills, reported, as truly engrossed :—

A bill to amend the organic law of Oregon ;

The report was accepted.

Mr. Hedges moved to suspend the rules to allow the introduction of a resolution.

The rules were suspended, and

Mr. Hedges introduced the following resolution ; to wit :—

"*Resolved*—That it is not in the power of this house to grant a charter to any individual, or company, for treating for wild lands in this territory, or for holding treaties with the Indian tribes for the purchase of lands.

Mr. Hembree moved to lay said resolution on the table ;

The house refused to lay the resolution on the table.

On the adoption of the resolution,

The yeas and nays were demanded, and were as follows :—

Yeas—Messrs. Applegate, Bailey, Cox, Curry, Hedges, Hill, Hudson, Lewis, Martin, Parker, Peterson, Portius, and Wilcox—13.

Nays—Messrs. Crawford, Hembree, Thurston, and Speaker—4.

So the resolution was adopted.

The rules being suspended for the purpose,

Mr. Applegate offered the following resolution ; to wit :—

Resolved—That if the doctrine in the resolution last past be true, then the powers of the Oregon government are unequal to the wants of the people.

On motion of Mr. Wilcox,

Said resolution was laid on the table.

On motion of Mr. Thurston,

The governor's message was taken from the table, and

So much of it as relates to the amendment of the organic law, upon the subject of ardent spirits,

Was referred to the committee of the judiciary.

The bill in relation to the oath of office, and recorder of land claims,

Was read a third time, when

Mr. Curry moved to recommit the bill ;

The house refused to recommit.

Mr. Thurston moved to recommit said bill to the judiciary committee, with instructions to report two bills ;

The house refused to recommit, with instructions.

On motion of Mr. Hedges,

Mr. Applegate was allowed to enter his protest on the journals of this house, upon the subject of his vote upon said bill.

Upon the question—Shall the bill pass? those who voted in the affirmative, were :—

Yeas—Messrs. Bailey, Cox, Crawford, Curry, Hedges, Hudson, Hill, Hembree, Lewis, Martin, Parker, Peterson, Portius, Thurston, Wilcox, and Speaker—16.

Nay—Mr. Applegate—1.

On motion of Mr. Thurston,

The house adopted the following as the title of the bill; to wit:—

An act providing sundry amendments to the organic laws of Oregon territory;

And the bill passed.

On motion of Mr. Crawford,

The house adjourned to half-past 1 o'clock, P.M.

AFTERNOON SESSION.

At half-past 1 o'clock P.M. the house met.

The Speaker announced that he had in his possession:—

The treasurer's report.

The said report was read, and,

On motion,

Was laid on the table.

A message was received from the governor, in relation to the superintendent of Indian affairs; as, also,

The report of the governor, with regard to the ammunition and arms seized by order of the government, at the Dalles, in August last;

Said message and report were,

On motion of Mr. Thurston,

Laid on the table.

On motion of Mr. Thurston,

The rules were suspended,

For the reception of resolutions.

Mr. Curry offered the following resolution; to wit:—

Resolved—That a select committee be appointed to report, on Monday morning next, what territorial officers it becomes the duty of this legislature at this session to elect;

Said resolution was adopted; and

Messrs. Curry, Hedges, and Crawford, appointed said committee.

Mr. Hill offered the following resolution; to wit:—

Resolved—That the commissary-general be, and he is hereby required to report to this house, forthwith, whether he has, by himself, or any of his assistants, pressed into the service, or for the use and benefit of the service of the Oregon army, any property, money, goods, wares, or merchandize, and the kinds of property, goods, wares, moneys, or merchandize, and from whom taken, and to whom the same belonged, and, if he has done so, by what authority has he done so.

Said resolution was adopted.

On motion of Mr. Thurston,

The rules were suspended,

For the reception of petitions and reports.

Mr. Thurston presented the petition of Elizabeth Robinson, praying for a divorce from her husband;

Also, the petition of Eli W. Michael, praying a divorce from his wife;

Said petitions were referred to the committee on judiciary.

Mr. Thurston, from judiciary committee, reported :—

A bill to amend the organic laws of Oregon, by striking out the word "regulate," and insert "prohibit," in art. 2, sec. 6;

The report was accepted.

Mr. Applegate moved to reject the bill, and

The yeas and nays being demanded thereupon, were as follows :—

Yeas—Messrs. Applegate, Bailey, Hembree, Hill, Hudson, Lewis, Martin, Portius, Thurston, and Wilcox—10.

Nays—Messrs. Cox, Crawford, Curry, Hedges, Parker, Peterson, and Speaker—7.

So the bill was rejected.

Mr. Thurston, chairman of judiciary committee, made the following report; to wit :—

Mr. Speaker,—The committee to whom was referred the petitions of Eli W. Michael, praying for a divorce,

And of Elizabeth Robinson, praying for the same,

Have had the same under consideration, and beg leave to report that, in the opinion of the committee, legislation on these matters is inexpedient, and, therefore, your committee recommend that said petitioners have leave to withdraw their petitions.

Said report was accepted.

On motion of Mr. Thurston,

Leave was given, and

The petitions of Eli W. Michael,

And of Elizabeth Robinson,

Were withdrawn.

The hour of 2 P.M., having arrived,

The house went into committee of the whole,

Upon the bill to charter the Klamet company,

Mr. Hembree in the chair, and,

After some time spent therein,

The committee rose and reported that

The said bill had been considered and amended, and

The committee had refused to adopt it.

Mr. Parker moved to adopt the report of the committee, upon which,

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Bailey, Cox, Curry, Hedges, Hembree, Hill, Hudson, Lewis, Parker, Peterson, Portius, Thurston, and Wilcox—13.

Nays—Messrs. Applegate, Crawford, Martin. and Speaker—4.

The report was accepted.

The rules were,

On motion,

Suspended; and

Mr. Crawford offered the following resolution; to wit:—

Resolved—That this house take up the unsettled business connected with the Cayuse war, on Monday next; and adjourn on Tuesday following, *sine die*.

Mr. Curry moved to strike out "Tuesday," and insert "Thursday;"

The house refused to strike out.

Mr. Hill moved to amend by striking out all after "Monday next;"

The house refused to strike out.

Mr. Applegate moved the adoption of the resolution,

Which was not agreed to.

Mr. Thurston moved that Mr. Applegate have leave to withdraw from the files of the house:—

The bill to charter the Klamet company;

Leave was granted, and

The bill was withdrawn.

The resolution of Mr. Thurston, relating to a memorial to congress, which had been laid upon the table,

Was taken up,

And adopted, and

Messrs. Thurston, Curry, Bailey, Applegate, and Lewis, were appointed said committee.

On motion of Mr. Hedges,

Mr. Applegate was excused from serving on said committee.

Messrs. Curry and Bailey asked to be excused from serving on said committee;

The house refused to excuse them.

On motion of Mr. Hedges,

The governor's report, in regard to superintendent of Indian affairs, and the ammunition and arms taken at the Dalles, in August last,

Were taken from the table, and

Referred to committee on Indian affairs.

On motion of Mr. Wilcox,

The report of the treasurer,

Was taken from the table, and referred to committee on ways and means.

Mr. Parker moved that the house adjourn to 9 A.M., on Monday next;

The house refused to adjourn.

Mr. Crawford asked leave of absence for Mr. Applegate, for the remainder of the session;

The house refused leave of absence.

Mr. Crawford moved that the house adjourn to half-past 9 o'clock, A.M., on Monday next,

Which was not agreed to.

Mr. Peterson moved that the house adjourn to 9 o'clock, P.M., of Monday next;

Which was not agreed to.

Mr. Applegate presented a protest, in the words and figures following; to wit:—

I vote "No," to the passage of a bill purporting to be to amend the organic laws of Oregon territory, containing two distinct propositions—one to alter the oath of office, the other to change the mode of recording land claims;

Because, in amending a constitution in a manner the organic laws of Oregon provides for its own amendments, each distinct proposition presented to the people, ought to be distinctly voted upon by their representatives;

Because, proposed amendments to the organic laws which have been submitted to the people, cannot, in any sense, be considered as bills; they can neither be amended in committee as all bills may, nor is the sanction of the executive required, as in other acts;

Because, by making two distinct propositions submitted to the people, but one question before the house of representatives, the object of the people is defeated, because, instead of each proposed amendment being disposed of according to its merits, they are made to share the same fate, though the people instruct their representatives definitely upon the different propositions, as was the case with the people of the county of Polk;

Therefore, in recording my vote against the bill, I do not consider that I am voting against either of the amendments of the organic laws of Oregon.

JESSE APPLEGATE.

The document, (to wit, the adjutant-general's report,) accompanying the governor's message,

Was taken from the table, and;

On motion of Mr. Lewis,

Referred to committee on military affairs.

Mr. Crawford moved that the house adjourn till 10 A.M., on Monday next.

The house refused to adjourn.

Mr. Hill moved to adjourn till 2, P.M., on Monday next;

Which was not agreed to.

Mr. Thurston moved to adjourn to 1 o'clock, P.M., on Monday.

The house refused to adjourn.

On motion of Mr. Thurston,

The sergeant-at-arms was directed to bring the absent members within the bar of this house.

On motion of Mr. Curry,

His resolution, with regard to what construction should be put upon the organic laws,

Was taken from the table, and,

On motion of Mr. Thurston,

Was indefinitely postponed.

Mr. Martin gave notice that, on Monday, he would introduce "A bill to amend the 4th section of article one, in the organic law."

Mr. Applegate offered the following resolution: to wit:—

Resolved—That it is expedient to allow persons having claims against this government, either for money, property, or services rendered, a bill of the items upon which their accounts are based, to be used by them as they may see proper.

Said resolution was laid on the table.

Mr. Applegate moved that the house adjourn till the first Monday in March next.

The house refused to adjourn.

On motion of Mr. Wilcox,

The house adjourned till a quarter-past 9 o'clock, A.M., on Monday.

MONDAY, FEB. 12, 1849.

Upon the calling of the roll,

Messrs. Applegate, Lewis, Parker, Portius, Thurston, and Wilcox, were absent.

On motion of Mr. Peterson,

The sergeant-at arms was directed to bring in absent members.

Messrs. Applegate, Lewis, Parker, Portius, and Thurston, appeared, and,

There being a quorum present,

The house proceeded to business.

On motion of Mr. Bailey,

The sergeant-at-arms was directed to bring in Mr. Wilcox, an absent member.

Journals read and corrected.

Mr. Lewis, from committee on Indian affairs, reported:—

A bill to repeal the act prohibiting the sale of fire-arms to the Indians;

Report was accepted.

The bill was read a first time, and

Passed to a second reading on to-morrow.

Mr. Applegate, from committee on engrossed and enrolled bills, reported as truly enrolled:—

A bill to provide sundry amendments to the organic laws of Oregon territory;

Report was accepted.

Mr. Crawford, from committee on ways and means, reported:—

A bill relative to the issue and exchange of scrip;

The report was accepted;

The bill was read a first time, and

Passed to second reading on to-morrow.

Mr. Applegate, on leave, introduced:—

A bill relative to land claims of deceased persons.

The said bill was read a first time, and,

The rules being suspended,

Was read a second time by its title, and committed to committee of the whole.

Mr. Thurston offered the following resolution; to wit:—

Resolved—That this government has, under the organic law, power to levy a tax upon the introduction, manufacture, and sale of ardent spirits, and it is expedient to do so.

That this government has, under the organic law, power to regulate the quantity of ardent spirits, introduced, manufactured, or sold in this territory, and it is expedient to do so.

Mr. Curry moved to lay the resolution on the table, and

The yeas and nays being demanded were as follows; to wit:—

Yeas—Messrs. Cox, Curry, Hembree, Martin, and Parker—5.

Nays—Messrs. Applegate, Bailey, Crawford, Hedges, Hill, Hudson, Lewis, Peterson, Portius, Thurston, and Speaker—11.

The house refused to lay the resolution on the table.

Mr. Parker moved to indefinitely postpone the resolution, and

The yeas and nays being demanded, were as follows; to wit:—

Yeas—Messrs. Cox, Curry, Hembree, Martin, and Parker—5.

Nays—Messrs. Applegate, Bailey, Crawford, Hedges, Hill, Hudson, Lewis, Peterson, Portius, Thurston, and Speaker—11.

So the house refused to indefinitely postpone the resolution.

The house decided to vote upon said resolution, by clauses, and

The yeas and nays being called, on the adoption of the first clause, were as follows:—

Yeas—Messrs. Applegate, Bailey, Cox, Crawford, Hedges, Lewis Parker, Peterson, Portius, Thurston, and Speaker—13.

Nays—Messrs. Curry, Hill, and Martin—3.

The first clause was adopted.
The yeas and nays being demanded upon the adoption of the second clause, were :—

Yeas—Messrs. Applegate, Hedges, Cox, Hudson, Peterson, Thurston, and Speaker—7.

Nays—Messrs. Bailey, Crawford, Curry, Hembree, Hill, Lewis, Martin, Parker, and Portius—9.

The house refused to adopt the second clause.

The yeas and nays upon the question to adopt the third clause, were as follows :—

Yeas—Messrs. Applegate, Cox, Crawford, Curry, Hedges, Hembree, Lewis, Parker, Peterson, Thurston, and Speaker—11.

Nays—Messrs. Hill, Hudson, Martin, and Portius—4.

Mr. Bailey declined voting.
The house adopted the third clause.
The yeas and nays being demanded upon the adoption of the fourth clause, were :—

Yeas—Messrs. Applegate, Bailey, Cox, Curry, Hedges, Lewis, Parker, Peterson, Thurston, and Speaker—10.

Nays—Messrs. Crawford, Hembree, Hill, Hudson, Martin, and Portius—6.

The fourth clause was adopted.
On motion of Mr. Parker,
Mr. Curry was excused from serving on the committee to prepare and report a memorial to the congress of the United States.
Mr. Bailey was also excused from serving on said committee.
Mr. Thurston moved to reconsider the vote on the resolution creating said committee;
The house refused to reconsider the vote on said resolution.
Mr. Hedges presented the claims of sundry persons against the territory of Oregon;
The reading was dispensed with, and
The claims referred to committee on claims.

Mr. Curry moved that the chairman of the committee on the military be excused from acting on the reports of the adjutant-general;

The house refused to excuse.

The Speaker announced the committee to prepare a memorial to congress, as follows:—

Messrs. Thurston, Lewis, Cox, Crawford, and Hill.

Mr. Curry, from select committee, made the following report; to wit:—

The committee, appointed to report what territorial officers it becomes the duty of the legislature at its present session to elect, have attended to the duty assigned them, and ask to report that the following-named officers are to be elected at this session; to wit:—

A supreme judge;
A circuit judge;
A secretary;
A superintendent of Indian affairs;
A marshal;
A treasurer; and
An auditor of public accounts.

On motion of Mr. Applegate,

The house adjourned to 10 A.M., to-morrow.

TUESDAY, FEB. 13, 1849.

Upon the call of the roll,

Messrs. Applegate, Bailey, and Crawford, were absent.

On motion of Mr. Hembree,

The sergeant-at arms was directed to bring in absent members.

The journals were read and corrected.

Mr. Hembree presented the report of the agent of the commissary-general in answer to a resolution;

Said report was read, and

The house refused to accept it.

Mr. Hembree asked, and obtained leave, to withdraw said report.

The report of the adjutant-general was received, and

Laid on the table.

Mr. Peterson presented the petition of Jason Wheeler, praying an allowance;

Read, and referred to committee on claims.

Mr. Hembree presented the petition of G. W. Bell, praying for an allowance;

Referred as above.

On motion of Mr. Applegate,

J. C. Avery, one of the members elect from Benton county, who appeared, Was sworn into office by the speaker, and

Took his seat.

Mr. Crawford, from committee of ways and means, presented the report of the auditor of public accounts;

The report was accepted.

Mr. Applegate moved to refer the latter clause of said report to the committee on judiciary;

The house refused to refer.

On motion of Mr. Curry,

The report was referred to committee of ways and means.

Mr. Crawford presented the petition of Wm. K. Kilborn;

Referred to judiciary committee.

Mr. Thurston, from judiciary committee, reported:—

A bill to regulate the introduction of ardent spirits;

Read a first time, and

The rules being suspended,

The bill was read a second time by its title.

Mr. Hembree moved to lay said bill on the table;

The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Avery, Cox, Curry, Hembree, Hill, Hudson, Lewis, Portius, and Wilcox—9.

Nays—Messrs. Applegate, Crawford, Hedges, Martin, Parker, Peterson, Thurston, and Speaker—8.

So the bill was laid on the table.

Mr. Hudson, from committee on commerce, made report;

Report was accepted.

Mr. Hill presented "A bill to provide for the recording of land claims;"

Read a first time; and,

The rules being suspended,

Was read a second time by title, and referred to committee of the whole.

Mr. Wilcox from committee on internal improvements, made report;

Accepted.

Mr. Curry presented the claim of the commissioners on pilotage;

Referred to committee on claims.

Mr. Parker, from select committee appointed for that purpose, reported "A bill to provide for weighing and stamping of gold, &c.;"

Read a first time; and,

The rules being suspended,

The bill was read a second time, and referred to committee of the whole.

Mr. Parker offered the following resolution; to wit:—

Resolved—That the acts of L. N. English, deputy sheriff of Champoeg county, appointed by Wm. Parker, principal sheriff of said county, be, and they are hereby, declared legal, so far as they are in accordance with the laws of this territory, defining the duties of sheriff.

Said resolution was adopted.

Mr. Thurston offered the following resolution ; to wit :—

Resolved—That this house proceed, at 7 o'clock in the afternoon of this day, to fill the vacancies in the several offices reported to this house, on yesterday.

Said resolution was adopted.

The rules were suspended, and

Mr. Hembree introduced " A bill to appoint commissioners to settle up the debts of the Cayuse war ;"

Read a first time ; and,

The rules being suspended,

Was read a second time, and referred to committee of the whole.

The bill to repeal " An act prohibiting the sale of fire-arms to Indians,"

Was read a second time, and referred to committee of the whole.

On motion of Mr. Parker,

The house adjourned to half-past 1 o'clock, P.M.

AFTERNOON SESSION.

At half-past 1 o'clock the house met.

The bill in relation to exchange of scrip,

Was taken up,

Read a second time, and referred to committee of the whole.

A message was received from the governor ;

Read, and left on the table undisposed of.

On motion of Mr. Hill,

The house went into committee of the whole,

Upon the bill to establish a mint,

Mr. Parker in the chair, and,

After some time spent therein,

The committee rose, and reported that they had had under consideration :—

A bill to provide for weighing and assaying gold, and melting and stamping the same ;

A bill to provide for recording land claims in the county clerk's office ;

A bill concerning land claims ;

A bill to change the mode of exchanging scrip ;

All of which the committee have amended and adopted ;

Also, a bill to repeal an act in relation to selling fire-arms to Indians,

Which the committee amended, and
Refused to adopt.
The report of the committee was accepted.
On motion of Mr. Wilcox,
The house adjourned till 7, P.M.

EVENING SESSION.

At 7 o'clock, P.M., the house met.
Upon the call of the roll,
Messrs. Crawford, Hembree, Hill, and Thurston, were absent.
On motion of Mr. Lewis,
The sergeant-at-arms was sent after absent members.
Messrs. Crawford and Hembree appeared, and,
There being a quorum present,
On motion of Mr. Parker,
The house proceeded to the election of territorial officers;
Messrs. Curry and Avery acting as tellers.
The house proceeded to ballot for a supreme judge, and,
Upon counting the first ballot it appeared that
L. A. Rice, received 4 votes;
A. L. Lovejoy, 9 votes;
W. D. Matlock, 1 vote;
Stone, 1 vote;
Blank, 1 vote.
A. L. Lovejoy, having received a majority of all the votes given,
Was declared duly elected supreme judge of Oregon territory.
The house proceeded to ballot for circuit judge;
Upon counting the first ballot, it was found that
Wm. J. Matlock, had 9 votes;
W. D. Matlock, 4 votes;
L. A. Rice, 1 vote;
W. T. Matlock, 2 votes.
Wm. J. Matlock, having received a majority of all the votes given,
Was declared duly elected circuit judge of Oregon territory.
The house proceeded to ballot for secretary of Oregon territory;
After five several ballotings, without a choice,
The house proceeded to a sixth ballot, with the following result; to wit:—
Thos. McGruder, received 9 votes;
A. E. Wilson, 1 vote;
J. P. Powers, 1 vote;
Wm. Buck, 1 vote;
W. G. T'Vault, 1 vote;

Blank, 2 votes.

Thos. McGruder, having received a majority of all the votes cast,

Was declared duly elected secretary of Oregon territory.

The house proceeded to ballot for treasurer;

Upon counting the first ballot, it appeared that

Wm. K. Kilborn, had 8 votes;

Wm. T'Vault, 1 vote;

Wm. W. Buck, 1 vote;

W. K. Kilborn, 2 votes;

J. G. Campbell, 2 votes;

N. Smith, 1 vote;

Noise Smith, 1 vote.

No person having received a majority of all the votes given,

The house proceeded to a second balloting, which resulted as follows:—

Wm. K. Kilborn, 11 votes,

A. McKinley, 1 vote;

Noise Smith, 1 vote;

Wm. T'Vault, 1 vote;

N. Smith, 1 vote;

J. G. Campbell, 1 vote.

Wm. K. Kilborn, having received a majority of all the votes given,

Was declared duly elected treasurer of Oregon territory.

The house then proceeded to ballot for auditor of public accounts;

Upon the first ballot,

J. G. Campbell, received 12 votes;

John Campbell, 1 vote;

Hiram Clark, 1 vote;

S. W. Moss, 1 vote;

Blank, 1 vote.

J. G. Campbell, having received a majority of all the votes cast,

Was declared duly elected auditor of public accounts of Oregon territory.

The house proceeded to vote for marshal.

There being no choice upon the first ballot,

A second balloting was had, which resulted as follows; to wit:—

Wm. H. Bennett, received 13 votes;

Hugh Burns, 1 vote;

Captain Cooper, 1 vote;

A. Jobe, 1 vote.

Wm. H. Bennett, having received a majority of all the votes cast,

Was declared duly elected marshal of Oregon territory.

The house proceeded to vote for superintendent of Indian affairs.

Upon the first ballot,

A. L. Lewis, received 10 votes;

L. N. English, 6 votes.

A. Lee Lewis, having received a majority of all the votes cast, Was declared duly elected superintendent of Indian affairs of Oregon territory.

On motion of Mr. Applegate,

The house adjourned to 10 o'clock to morrow morning.

WEDNESDAY, FEB. 14, 1849.

Mr. Thurston, from judiciary committee, made a report,

Which was accepted.

Mr. Thurston, from judiciary committee, reported "A bill to regulate the manner of exchanging scrip;"

Read a first time, and,

On motion of Mr. Crawford,

The rules were suspended, and

The bill read a second time, and

Ordered to be engrossed for 3rd reading on to-morrow.

Mr. Lewis, from committee on Indian affairs, made report;

Accepted.

Mr. Hill, from select committee to report rules, made a report;

Accepted.

Mr. Thurston, from committee to settle with loan commissioners, made a report;

Which was accepted.

Mr. Parker asked to be excused from acting on the judiciary committee;

The house refused to excuse.

Mr. Crawford offered the following resolution; to wit:—

Resolved—That a committee of five be appointed by this house, to examine the books and papers, and to enquire into all the business belonging to the commissary and quarter-master departments, and report the condition of the same to this house forthwith;

The house refused to adopt said resolution.

Mr. Bailey offered the following:—

Resolved—Two thirds of this house concurring. That the following amendments to the organic laws of Oregon be submitted to the people.

First, as an additional article the following, to wit:—

The provisional government of Oregon shall exercise jurisdiction co-extensive with the rights of the United States of America.

Second, to amend the oath of office by inserting after the words "support the constitution of the United States," and striking out of the oath of office the words "so far as is consistent with my duties as a citizen of the United States, or a subject of Great Britain," so that the oath of office shall read, "I do solemnly swear that I will support the constitution of the United States, and the organic laws of the provisional government of Oregon, and faithfully demean myself in office. So help me God."

On the adoption of the above resolution,

The yeas and nays were demanded, as follows:—

Yeas—Messrs. Applegate, Bailey, Martin, Portius, and Mr. Speaker—5.

Nays—Messrs. Avery, Cox, Crawford, Curry, Hedges, Hembree, Hill, Hudson, Lewis, Parker, Peterson, Thurston, and Wilcox—13.

So the resolution was not adopted.

The rules were suspended, and

Mr. Thurston introduced "A bill to prevent gaming;"

Which was read a first time;

Rules being suspended,

Was read a second time.

A message was received from the governor;

On motion of Mr. Thurston,

The reading was dispensed with, and

The message laid on the table.

Mr. Parker moved to strike out of "the bill to prevent gaming," all after the enacting clause.

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Lewis, Martin, and Portius—4.

Nays—Messrs. Avery, Bailey, Cox, Crawford, Curry, Hedges, Hembree, Hill, Hudson, Parker, Peterson, Thurston, Wilcox, and Mr. Speaker—14.

So the house refused to strike out.

Mr. Wilcox moved to adjourn untill half past one o'clock, P. M.

The house refused to adjourn.

Mr. Thurston moved to order "the bill to prevent gaming," to be engrossed; upon which,

The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Applegate, Bailey, Avery, Cox, Crawford, Curry, Hedges. Hudson, Hill, Hembree, Peterson, Portius, Thurston, Wilcox, and Mr. Speaker—15.

Nays—Messrs. Parker, Martin, and Lewis—3.

The bill was ordered to be engrossed, and read a their time.

On motion of Mr. Crawford,

The house adjourned until a quarter past one o'clock, P. M.

AFTERNOON SESSION.

Mr. Applegate reported as correctly engrossed :—
The bill to prevent gaming, and
The bill in relation to issuing and redeeming scrip.
On motion of Mr. Crawford,
The rules were suspended, and
The bill concerning the issuing and redemption of scrip,
Was read a third time, and passed.
The rules being suspended,
The bill to prevent gaming,
Was read a third time, and,
Upon the passage of the same,
The yeas and nays were demanded, and were as follows :—

Yeas—Messrs. Avery, Bailey, Cox, Crawford, Curry, Hembree, Hedges, Hudson, Hill, Peterson, Thurston, Wilcox, and Speaker—13.

Nays—Messrs. Applegate, Lewis, Martin, Parker, and Portius—5.

And the bill passed.
Mr. Applegate reported, as correctly enrolled :—
The bill relating to the issuing and redemption of scrip, and
The bill to prevent gaming.
Mr. Thurston moved to take from the table :—
The bill regulating the introduction of ardent spirits, upon which
The yeas and nays were demanded, and were as follows :—

Yeas—Messrs. Applegate, Cox, Crawford, Hembree, Hill, Lewis, Parker, Peterson, Portius, Thurston, Wilcox, and Speaker—12.

Nays—Messrs. Avery, Bailey, Curry, Hedges, Hudson, and Martin—6.

The said bill was taken from the table.
Mr. Wilcox moved to indefinitely postpone the bill, upon which question,
The yeas and nays were as follows :—

Yeas—Messrs. Avery, Bailey, Cox, Crawford, Hembree, Hill, Hudson, Lewis, Martin, Portius, and Wilcox—11.

Nays—Messrs. Applegate, Curry, Hedges, Parker, Peterson, Thurston, and Speaker—7.

The bill was indefinitely postponed.

Mr. Applegate presented a memorial for a national rail-road to the Pacific;

Read, and referred to committee on internal improvements.

A message from the governor,

Was read and laid on the table.

The bill providing for recording land claims in the clerk's office,

Was read a third time, and passed.

On motion of Mr. Thurston,

The rules were suspended, to receive a report from the committee on internal improvements.

Mr. Wilcox, chairman of said committee, reported on the subject of the national railroad;

The house refused to accept the report.

The bill making the land claims of deceased persons, personal property,

Was read a third time, and passed;

Also, the bill to regulate the exchange, &c., of scrip.

On motion of Mr. Hill,

The bill to provide for weighing and stamping of gold,

Was recommitted to committee of the whole.

On motion of Mr. Crawford,

The house went into committee of the whole,

Mr. Parker in the chair, and,

After some time spent therein,

The committee rose and reported that the committee had had under consideration:—

The bill to provide for weighing and stamping gold;

Had amended the same, and

Asked leave to sit again.

The report of the committee was accepted.

On motion of Mr. Parker,

Said bill was ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr. Thurston,

The house adjourned till 8 o'clock, A.M., to-morrow.

THURSDAY, FEB. 15, 1849.

Mr. Crawford reported "A bill for appropriations, for the year 1849;"

Read a first time, and,

The rules being suspended,

Was read a second time, and,

The rules being further suspended,

Was read a third time, and passed.

Mr. Applegate reported said bill as truly enrolled.

Mr. Martin, from committee on military affairs, made a report;

Accepted.

Mr. Applegate reported

The bill on land claims,

As truly enrolled.

Mr. Parker introduced "A bill on apportionment;"

Read a first time, and,

The rules being suspended,

Was read a second time, and,

The rules being further suspended,

Was considered as engrossed,

Read a third time, and passed.

Mr. Applegate reported said bill as truly enrolled.

Mr. Hembree reported the following:—

Resolved—That

George Sigler, is entitled to the sum of $115 00;

Thos. Newbanks, to the sum of $59 20;

Wm. J. Martin, to the sum of $50 00;

James A. Brown, to the sum of $120 25;

Jesse Applegate, to the sum of $70 00.

Resolved—That the commissary-general be authorized to give the names of the different individuals in this report, a certificate of their respective claims, and enter them to their credit on his book;

Said report was accepted, and adopted.

Mr. Hembree reported "A bill for the relief of Jason Wheeler;"

Read a first time, and,

The rules being suspended,

Was read a second time, and referred to committee of the whole.

Mr. Thurston reported "A bill establishing a surveyor's office in each county, and defining their duties;

Read a first time.

On motion of Mr. Hill,

Said bill was laid on the table.

Mr. Hembree reported on the claims of J. G. Campbell, and others, on pilotage;

Said report was accepted, and,

On motion of Mr. Thurston,

Said claims were referred to the next legislature.

Mr. Crawford moved to take from the table

The report of the adjutant-general,

Which was agreed to, and

The report was referred to committee on military affairs.

On motion of Mr. Crawford,

The bill providing for the pay of the commissioned officers, of the regiment of riflemen,

Was taken from the table,

Read a second time, amended, and referred to committee of the whole.

Mr. Applegate reported
The bill to provide for weighing and stamping, &c., of gold,
As *not very* truly engrossed;
Said report was accepted.
On motion of Mr. Thurston,
The house adjourned to half-past one, P.M.

AFTERNOON SESSION.

At half-past 1 o'clock, P.M., the house met.

Mr. Thurston moved to reconsider the vote referring the claim of J. G. Campbell, and others, to the next legislature;
Which was agreed to.

Mr. Curry moved to refer said claims to a select committee, with instructions to present the different items upon which said account is based;
Which was agreed to, and
Messrs. Curry, Hedges, and Crawford, were appointed said committee.

On motion of Mr. Wilcox,
The house went into committee of the whole;
Mr. Hedges in the chair, and,
After some time spent therein,
The committee rose, and reported that
The bill to appoint commissioners to settle the debts on account of Cayuse war,
Had been under consideration, and
Had been amended, and
The committee asked the concurrence of the house;
The report was accepted,
The rules were suspended,
The bill considered as engrossed, and
Passed to a third reading.

A message from the governor;
On motion of Mr. Applegate,
Said message was laid on the table.

The bill to appoint commissioners to settle the Cayuse war matters,
Was taken up,
Amended by filling blanks in said bill,
Read a third time, and passed.

The rules were suspended, and
Mr. Crawford presented the petition of J. P. Brooks, praying a divorce from his wife Mary Ann;

Read, and referred to a select committee, consisting of Messrs. Crawford, Hedges, and Hill.

Messrs. Martin and Wilcox were excused from attending on the forenoon session of to-morrow.

Mr. Crawford offered the following resolution; to wit:—

Resolved—That this house will adjourn, on to-morrow, the 16th of February instant, *sine die*.

Said resolution was adopted.

On motion,

The house went into committee of the whole,

Mr. Wilcox in the chair, and,

After some time spent therein,

The committee rose, and reported, through the chairman, that the committee had had under consideration:—

The bill to provide for weighing and stamping gold,

And amended the same;

The report was accepted;

The rules being suspended for the purpose,

The bill was read a third time,

The blanks filled, and, on the question—Shall the bill pass?

The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Avery, Bailey, Cox, Curry, Hedges, Hill, Hudson, Lewis, Parker, Peterson, Portius, Thurston, Wilcox, and Speaker—16.

Nays—Messrs. Crawford and Martin—2.

The bill passed.

On motion of Mr. Thurston,

The governor's message, returning the bill to provide sundry amendments to the organic law,

Was taken from the table;

Said message is in the words following; to wit:—

To the House of Representatives of Oregon Territory.

Gentlemen,—I return the enclosed bills approved; to wit:—

An act on apportionment;

An act concerning land claims;

An act relating to payment of interest on scrip,

I also return:—

The act making sundry amendments to the organic law,

Without approval.

I do not know that my signature is necessary to perfect the act, as the last clause of the organic law says that the concurrence of two-thirds of all the members elected at said election may pass said amendments, and they shall become a part of this compact.

My reasons for not signing it are as follows:—

The probabilities are that the laws of the United States will soon be extended over us; and, I presume, they will provide how and what way land claims shall be recorded. In view of this, I would suggest that the act take effect from and after the 1st of May next. By that time we will know whether congress has provided for recording land claims.

It will be attended with a good deal of expense in procuring suitable books for the different counties, and getting the plan into operation; and, if, after going to this expense and trouble, it is found to conflict with the laws of congress, we will not be benefitted.

I remain, gentlemen, your obedient servant,

GEO. ABERNETHY.

On the question—Shall the proposed amendments pass?
The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Avery, Bailey, Cox, Curry, Hedges, Hembree, Hill, Hudson, Lewis, Martin, Parker, Peterson, Portius, Thurston, Wilcox, and Speaker—16.

Nays—Messrs. Applegate and Crawford—2.

The bill was passed by a majority of two thirds.
On leave,
Mr. Crawford introduced his protest, as follows; to wit:—

PROTEST.

I vote "No," on the passage of an act to provide for the weighing and assaying of gold, melting and stamping the same:

1st.—Because the coining of money is contrary to the constitution of the United States, which, as an American citizen, I am sworn to support.

2nd.—Because I believe that an officer of the United States will soon be here, whose duty it will be to prohibit the operation of a mint.

3rd.—Because I believe it is inexpedient, for the faith of this territory, to be pledged for the amount necessary to put this mint in operation, inasmuch as it will be discontinued immediately upon the arrival of an officer from the United States.

M. CRAWFORD.

On motion,
The house went into committee of the whole,
Mr. Wilcox in the chair, and,
After some time spent therein,
The committee rose, and reported that
The bill providing for the pay of the first regiment of riflemen,

Had been considered and amended.
The report was accepted,
The rules suspended,
The bill considered as engrossed,
Read a third time, and,
On the question—Shall the bill pass?
The yeas and nays were demanded, and were as follows:—

Yeas—Messrs. Applegate, Avery, Bailey, Cox, Crawford, Curry, Hedges, Hembree, Hill, Hudson, Martin, Peterson, Portius, and Speaker—14.

Nays—Messrs. Parker, Thurston, and Wilcox—3.

The bill passed.
On motion of Mr. Crawford,
The house adjourned till 8 A.M., to-morrow.

FEB. 16, 1849.

Mr. Bailey, on leave, introduced "A bill on inclosures;"
Read a first time, and,
The rules being suspended,
Was read a second time and referred to committee of the whole.
Mr. Applegate, on leave, introduced "A bill on partnership;"
Read a first time, and,
The rules being suspended,
Was read a second time, and referred to committee of the whole.
Mr. Crawford, on leave, introduced "A bill to divorce John P. Brooks from his wife Mary Ann;"
Read a first time, and,
The rules being suspended,
Was read a second time, and referred to committee of the whole.
On motion of Mr. Thurston,
The house went into committee of the whole,
Mr. Curry in the chair, and,
After some time spent therein,
The committee rose, and reported the following bills, considered in committee:---
A bill concerning partnerships;
A bill to regulate the sale of ardent spirits;
A bill to divorce John P. Brooks from his wife;
A bill concerning inclosures;
A bill for the relief of Jason Wheeler,
And had amended the same, and

Asked leave to sit again.

The report was accepted.

Mr. Applegate reported as truly enrolled the following bills; to wit:—

An act to provide for the pay of commissioned officers, employed in the service of the territory of Oregon, during the late war with the Cayuse Indians;

An act to provide for weighing, assaying gold, and melting and stamping the same; and

An act to provide for the final settlement of the claims against the Oregon government, for and on account of the Cayuse war.

Mr. Martin, from committee on military affairs, reported;

Report was accepted;

Also, offered the following resolution:—

Resolved—That the adjutant-general be, and he is hereby, instructed and directed to make the pay of commissioned field and staff-officers agreeable to the "Act making provisions for, and establishing pay, according to their respective grades, and times in service;" *And further*—That the said adjutant-general be directed to enter the men reported by H. A. G. Lee, Captain Felix Scott, and Captain Levi Scott, upon the rolls, and make up their pay according to their respective grades and time of service.

Said resolution was adopted.

Mr. Martin asked, and obtained, leave to introduce

A bill authorizing the treasurer to issue military scrip;

Read a first time; and,

The rules being suspended,

Was read a second time, and referred to committee of the whole.

On motion of Mr. Thurston,

The house adjourned till 2 o'clock, P.M.

AFTERNOON SESSION.

At 2 o'clock, P.M., the house met.

Mr. Curry, from select committee to whom was referred the claim on pilotage, made report;

The report was accepted.

Mr. Applegate offered a resolution, in substance as follows; to wit:—

Resolved—That W. G. T'Vault be allowed one hundred dollars for his services as clerk of the house of representatives, during the years 1848 and 1849; also,

Resolved—That James S. Cluse be allowed the sum of forty dollars, for his services as enrolling clerk during the present session.

Also—That S. H. L. Meek be allowed the sum of fifty dollars, for his services as sergeant-at arms and door-keeper during the present session.

All of which was adopted.

Mr. Thurston offered the following; to wit:—

Ordered—That all reports, petitions, and accounts, referred to the several committees appointed by this house, and which have been withdrawn by leave of this honse, be returned into this house to be kept on the files of the papers thereof.

A bill on enclosures,
Was taken up, and,
The rules being suspended,
Was read a third time, and passed.

The bill to divorce John P. Brooks,
Was laid on the table.

On motion of Mr. Hill,
The house resolved itself into committee of the whole,
Mr. Hill in the chair, and,
After some time spent therein,
The committee rose, and
The chairman reported that the committee had considered and adopted:—
A bill making appropriations;
Also, had considered, and refused to adopt:—
A bill authorizing the treasurer to issue military scrip.

Mr. Applegate, on leave, introduced "A bill appropriating pay of loan commissioners;
Read a first time; and,
The rules being suspended,
Read a second time, and
The rules being further suspended,
Was considered as engrossed;
Read a third time; and,
On motion of Mr. Crawford,
To fill the blank pay to A. L. Lovejoy with $800 00;
The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Crawford, Curry, Hedges, Lewis, Martin, and Portius—6.

Nays—Messrs. Applegate, Avery, Bailey, Cox, Hembree, Hill, Hudson, Parker, Peterson, Thurston, Wilcox, and Speaker—12.

So the house refused to fill the blank with $800 00.
On motion of Mr. Crawford,
To postpone the bill indefinitely,
The yeas and nays being demanded were as follows; to wit:—

Yeas—Messrs. Avery, Cox, Crawford, Curry, Hembree, Hudson, Lewis, Parker, and Peterson—9.

Nays—Messrs. Applegate, Bailey, Hedges, Hill, Martin, Portius, Thurston, Wilcox, and Speaker—9.

The house refused to postpone indefinitely.

PROTEST OF W. J. MARTIN.

I wish the following to be inserted upon the journals of the house:—

1st.—Because I believe it is an open violation of the constitution of the United States to coin money other than as directed by the congress thereof.

2nd.—Because I have good reason to believe that the United States have extended their jurisdiction over this country, and it will, in a short time, be in full operation.

3rd.—Because it is making this territory a shaving machine, by only allowing sixteen dollars and fifty cents per ounce.

W. J. MARTIN.

The rules being suspended,
The bill on appropriations,
Was read a third time, and passed.
The bill for the pay of loan commissioners,
Was taken up,
Read a third time, and,
The first blank filled with "one thousand."
On motion of Mr. Crawford,
To fill the second blank, allowing A. L. Lovejoy his pay as one of the loan commissioners, with $800 00,
The yeas and nays being demanded, were as follows; to wit:—

Yeas—Messrs. Crawford, Curry, Hedges, Lewis, Martin, and Portius—6.

Nays—Messrs. Applegate, Avery, Bailey, Cox, Hembree, Hill, Hudson, Parker, Peterson, Thurston, Wilcox, and Speaker—12.

So the house refused to fill with $800 00.
Mr. Crawford moved to indefinitely postpone the bill, upon which
The yeas and nays being demanded, were as follows:—

Yeas—Messrs. Avery, Cox, Crawford, Curry, Hembree, Hudson, Lewis, Parker, and Peterson—9.

Nays—Messrs. Applegate, Bailey, Hedges, Hill, Martin, Portius, Thurston, Wilcox, and Speaker—9:

The bill was not postponed.
On motion,

To fill with $600 00,
The yeas and nays were demanded, and were as follows :—

Yeas—Messrs. Applegate, Crawford, Curry, Hedges, Lewis, Martin, Portius, Wilcox, and Speaker—9.

Nays—Messrs. Avery, Bailey, Cox, Hembree, Hill, Hudson, Parker, Peterson, and Thurston—9.

The house refused to fill with $600 00.
To fill with $550 00,
The yeas and nays were demanded, and were as follows :—

Yeas—Messrs. Applegate, Crawford, Curry, Hedges, Hembree, Lewis, Portius, Wilcox, and Speaker—9.

Nays—Messrs. Avery, Bailey, Cox, Hill, Hudson, Martin, Parker, Peterson, and Thurston—9.

So the house refused to fill with $550 00.
On motion of Mr. Crawford,
Said bill was laid on the table.
On motion of Mr. Crawford,
The house went into secret session,
Upon the bill to divorce John P. Brooks from his wife Mary Ann, and,
After some time spent therein,
The secret session arose and reported that the house, in secret session, had passed
A bill to divorce John P. Brooks from his wife Mary Ann.
On motion of Mr. Crawford,
The house adjourned until 7 o'clock, P. M.

EVENING SESSION.

At 7 o'clock, P.M., the house met.
On motion,
The sergeant-at-arms was directed to bring in absent members.
A message from the governor was received announcing his approval of
An act for weighing, assaying gold, &c.;
An act for final settlement of claims against the Oregon government, on account of the Cayuse war;
An act to provide for the pay of the commissioned officers engaged in the Cayuse war; and

An act to provide for recording land claims.

Mr. Applegate reported as truly enrolled:—

An act to divorce John P. Brooks;

Also, as truly engrossed:—

An act to regulate the manufacture and sale of ardent spirits.

The bill to regulate the manufacture and sale of ardent spirits,

Was read a third time, blanks filled, and passed.

Mr. Applegate offered the following resolution; to wit:—

Resolved—That the board of commissioners appointed to settle the claims against the government be, and they are hereby, required to settle with the commissioners appointed to negotiate loans for the purpose of carrying on the war with the Cayuse Indians, and, after ascertaining the number of days they were each necessarily employed in the service of this government, said commissioners shall charge this government in their favor, with the sum of three dollars for every day they have been so employed, with a just allowance for their private expenses, not including clerk hire, stationery, or other contingencies.

Said resolution was adopted.

The house then proceeded to the election of officers, provided for in the "Act authorizing the assaying and weighing, &c., of gold,"

Which resulted in the election of

James Taylor, as director;

Truman P. Powers, treasurer;

Wm. H. Willson, melter and coiner; and

Geo. L. Curry, assayer.

Mr. Applegate offered the following resolution; to wit:—

Resolved—That the auditor be, and is, hereby, directed to issue his warrant to the treasurer, in favor of Wilson Blain, for the sum of fifty dollars, to be in full for his services as chaplain of the house of representatives for the present session, to be paid out of the appropriation for the pay of the legislature.

Said resolution was adopted.

Mr. Applegate offered the following resolution; to wit:—

Resolved—That five hundred dollars be, and the same is hereby, appropriated for the pay of the governor for extra services in his department, for and on account of the Cayuse war, and the commissioners appointed to settle the same are hereby required to place the same to his account against the territory.

Mr. Wilcox offered the following resolution:—

Resolved—That thirty-five dollars be, and the same are hereby, appropriated and allowed to Wm. Holmes in full for his services as sergeant-at-arms to the house of representatives in December last.

Mr. Thurston offered the following:—

Resolved—That Rev. Wilson Blain, chaplain to this house, is entitled to the thanks and high consideration of this house, for the corteous and modest manner in which he has performed the duties of his office.

Unanimously adopted.

* * *

Mr. Crawford offered the following; to wit:—

Resolved—That L. A. Rice, the present speaker of this house, have the unanimous thanks of the members, for the able and impartial manner in which he has discharged his duties as speaker.

Unanimously adopted.

Mr. Thurston offered the following resolution; to wit:—

Resolved—That W. G. T'Vault, Esq., clerk of this legislature, has discharged the duties of that office, alike with honesty and ability, and is therefore entitled to the thanks and good wishes of this house.

The resolution was adopted.

The house proceeded to the election of prosecuting attorney for Oregon territory,

Which resulted in the election of Samuel Parker.

An act concerning partnerships, and

An act for the relief of Jason Wheeler,

Were severally read a third time and passed.

On motion of Mr. Lewis,

The house adjourned *sine die.*

Attest:

W. G. T'VAULT, *Clerk.*

L. A. RICE, *Speaker.*

To the Hon. the Legislative Assembly of Oregon.

GENTLEMEN,—

In reply to a resolution handed me, inquiring if there is at present a superintendent of Indian affairs, I would state that since the resignation of H. A. G. Lee, Esq., I have performed the duties of that office. The reason why no other person was appointed was simply this, no person that I thought capable of performing the duties would take it. I would refer you to Mr. Lee's resignation, which is inclosed in another communication for the reasons why no person would accept the office, the compensation bears no comparison with the services required.

I remain, gentlemen, your obedient servant,

GEO. ABERNETHY.

Oregon City, 10th February, 1849.

REPORT

Of the Acting Superintendent of Indian Affairs.

To the Hon. the Legislature of Oregon Territory.

GENTLEMEN,—

In answer to a resolution passed by your honorable body, requiring the superintendent of Indian affairs to report to you, I would beg leave to submit the following:—

When the office was first established I was appointed to fill the office, and continued to fill it until the last session of the legislature, when, at my request, another was elected, Joel Palmer, Esq., who, after holding the office some time, resigned, and I appointed H. A. G. Lee, Esq., who accepted the appointment, and entered upon the duties of the office, and continued in it until the 4th of September, when he handed me his resignation, which I enclose herewith, as it contains some truths that will be apparent to your honorable body.

Since that time I have discharged the duties of the office myself, as well as circumstances would permit. The proceedings of this department have always been of a conciliatory character toward the different Indian tribes, and have thus far been successful in allaying the fears, and, in a measure, restoring confidence in the Indians in our immediate neighbourhood toward the whites. Our present relation with the Indians is of a peaceful character, and I believe the Indians who have been so clamorous for pay for their lands, are now settled down in the belief that they must wait until the agent of the United States arrives and makes agreements with them.

Peace has not been made with the Cayuse tribe, as the murderers have not been secured. I hope, as soon as the United States troops arrive, this will be accomplished, and a permanent peace be entered into between the whites and the Indians of the upper country.

There is no disposition, that I know of, existing among the Indians of the upper country, that is at present manifestly unfriendly to the white population. I believe the late superintendent of Indian affairs invited the settlement of Americans in the Cayuse country, but I am not aware of any grant or charter of the Cayuse territory having been given to any person or persons. I presume the settlement would have been effected by each person locating them, recording 640 acres of land, in accordance with the land law, and, though policy would dictate that this would not be prudent in a thickly-settled Indian country, far away from the settlements, as it might cause ill feelings toward the settlers. Still, the Cayuse tribe having engaged in war with us, and through that channel had their country taken possession of by the Americans, I do not think the neighbouring tribes could, or would, have objected to its settlement by Americans. I have not yet known of any instance where it could be proved that any person sold liquor to the Indians. If the law were so altered that Indian testimony could be taken in evidence, there would be no difficulty in suppressing the sale to Indians. I have, with the rest of you, seen the evil of selling liquor to the Indians, and made application to a person who, I had every reason to believe, sold more to the Indians than any other person; I requested him to desist,—his reply was "I never sold a drop of liquor to an Indian in my life." I had no proof that he had, and, as he had a *license to* sell liquor, its being found on his premises, and Indians in his house, would give no right to me, or any other person, to interfere with him.

All of which is respectfully submitted.

I remain, gentlemen, your obedient servant,

GEO. ABERNETHY.

Oregon City, Feb. 10, 1849.

PAPERS

*Relating to the War with the Cayuse Indians.**

LETTER FROM JAMES DOUGLAS.

Fort Vancouver, Dec. 7, 1847.

George Abernethy, Esq.

Sir,—

Having received intelligence, last night, by special express from Walla-walla, of the destruction of the missionary settlement at Waiilatpoo, by the Cayuse Indians of that place, we hasten to communicate the particulars of that dreadful event, one of the most atrocious which darkens the annals of Indian crime.

Our lamented friend, Dr. Whitman, his amiable and accomplished lady, with nine other persons, have fallen victims to the fury of these remorseless savages, who appear to have been instigated to this appalling crime by a horrible suspicion which had taken possession of their superstitious minds, in consequence of the number of deaths from dysentery and measles, that Dr. Whitman was silently working the destruction of their tribe by administering poisonous drugs, under the semblance of salutary medicines.

With a goodness of heart, and benevolence truly his own, Dr. Whitman had been laboring incessantly since the appearance of the measles and dysentery among his Indian converts to relieve their sufferings; and such has been the reward of his generous labors.

A copy of Mr. McBean's letter,† herewith transmitted, will give you all the particulars known to us of this indescribably painful event.

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* Among the papers relating to the Cayuse war, there are found but a very few of an official character, and a portion of those few are so mutilated and consequently so incomplete, that anything like a systematic compilation is impossible. There are, doubtless, in existence, or were in existence at some former time, a considerable number of valuable official documents, that are at present missing, and which are necessary to make up a complete compilation. Thus a considerable amount of matter, no doubt, had in contemplation by the act which provided for this compilation, must necessarily be left out of this work. To supply this deficiency, the compiling commissioner has thought it best, to insert some matter, not official, but of an important nature, as contributing to shed some light upon the transactions of that epoch. In consequence of the facts above stated, the papers will appear without a strict regard to chronological dates.—Com.

† Missing.

Mr. Ogden, with a strong party, will leave this place as soon as possible for Walla-walla, to endeavor to prevent further evil; and we beg to suggest to you the propriety of taking instant measures for the protection of the Rev. Mr. Spaulding, who, for the sake of his family, ought to abandon the Clear-water mission, without delay, and retire to a place of safety, as he cannot remain at that isolated station without imminent risk, in the present excited and irritable state of the Indian population.

I have the honor to be, sir, your most obedient servant,

JAMES DOUGLAS.

LETTER ADDRESSED TO JAMES DOUGLAS,

By the Commissioners appointed to negotiate a Loan for the prosecution of the Cayuse War.

Fort Vancouver, Dec. 11, 1847.

To James Douglas, Esq., Chief Factor of Hudson's Bay Company.

SIR,—

By the enclosed document you will perceive that the undersigned have been charged by the legislature of our provisional government with the difficult duty of obtaining the means necessary to arm, equip, and support in the field, a force sufficient to obtain full satisfaction of the Cayuse Indians for the late massacre at Waiilatpoo, and protect the white population of our common country from further aggression.

In the pursuance of this object, they have deemed it their duty to make immediate application to the Hon. Hudson's Bay company for the requisite assistance.

Though clothed with the power to pledge, to the fullest extent, the faith and means of the present government of Oregon, they do not consider this pledge the only security of those who, in this distressing emergency, may extend to the people of this country the means of protection and redress. Without claiming any especial authority from the government of the United States to contract a debt to be liquidated by that power, yet, from all precedents of like character in the history of our country, the undersigned feel confident that the United States government will consider the murder of the late Dr. Whitman and his lady as a national wrong, and will fully justify the people of Oregon in taking active measures to obtain redress for that outrage, and for their protection from further aggression.

The right of self-defence is tacitly accorded to every body politic in the confedaracy to which we claim to belong, and in every case similar to our own, within our knowledge, the general government has promptly assumed the payment of all liabilities growing out of the measures taken by the constituted authorities to protect the lives and property of those residing within the limits of their districts.

If the citizens of the states and territories, east of the Rocky mountains, are justified in promptly acting in such emergencies, who are under the immediate protection of the general government, there appears no room to doubt that the lawful acts of the Oregon government will receive a like approval.

Should the temporary character of our government be considered by you sufficient ground to doubt its ability to redeem its pledge, and reasons growing out of its peculiar organization be deemed sufficient to prevent the recognition of its acts by the government of the United States, we feel it our duty, as private individuals, to enquire to what extent, and on what terms, advances may be had of the Hon. Hudson's Bay company, to meet the wants of the force the authorities of Oregon *deem it their duty to send into the field.*

With sentiments of the highest respect, allow us to subscribe ourselves,

Your most obedient servants,

JESSE APPLEGATE,
A. L. LOVEJOY, } *Commissioners.*
GEO. L. CURRY,

LETTER ADDRESSED TO THE MERCHANTS AND CITIZENS OF OREGON,

By the Loan Commissioners.

Oregon City, Dec. 13, 1847.

To the Merchants and Citizens of Oregon.

GENTLEMEN,—

You are aware that the undersigned have been charged by the legislature of our provisional government with the difficult duty of obtaining the means necessary to arm, equip, and support in the field, a force sufficient to obtain full satisfaction of the Cayuse Indians, for the late massacre at Wailatpoo, and protect the white population of our common country from farther aggression.

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* Mr. Douglas' reply to the above, was, in substance, a refusal to advance the means asked for, in consequence of the stringent rules laid down for his government by the home company. He, however, upon the security of the governor and two of the commissioners, advanced the amount necessary to fit out the 1st company of Oregon riflemen, $999 59.—See report of loan commissioners.—COM.

In furtherance of this object they have deemed it their duty to make immediate application to the merchants and citizens of the country for the requisite assistance.

Though clothed with the power to pledge, to the fullest extent, the faith and means of the present government of Oregon, they do not consider this pledge the only security to those who, in this distressing emergency, may extend to the people of this country the means of protection and redress.

Without claiming any special authority from the government of the United States to contract a debt to be liquidated by that power; yet, from all precedents of like character in the history of our country, the undersigned feel confident that the United States government will regard the murder of the late Dr. Whitman, and his lady, as a national wrong, and will fully justify the people of Oregon in taking active measures to obtain redress for that outrage, and for their protection from further aggression.

The right of self-defence is tacitly accorded to every body politic in the confederacy to which we claim to belong, and in every case similar to our own, within our knowledge, the general government has promptly assumed the payment of all liabilities growing out of the measures taken by the constituted authorities, to protect the lives and property of those who reside within the limits of their districts.

If the citizens of the states and territories, east of the Rocky mountains, are justified in promptly acting in such emergencies, who are under the immediate protection of the general government, there appears no room for doubt that the lawful acts of the Oregon government will receive a like approval.

Though the Indians of the Columbia have committed a great outrage upon our fellow-citizens passing through their country, and residing among them, and their punishment for these murders may, and ought to be, a prime object with every citizen of Oregon, yet, as that duty more particularly devolves upon the government of the United States, and admits of delay, we do not make this the strongest ground upon which to found our earnest appeal to you for pecuniary assistance. It is a fact well known to every person acquainted with the Indian character, that, by passing silently over their repeated thefts, robberies, and murders of our fellow-citizens, they have been emboldened to the commission of the appalling massacre at Wailatpoo. They call us women, destitute of the hearts and courage of men, and if we allow this wholesale murder to pass by as former aggressions, who can tell how long either life or property will be secure in any part of this country, or what moment the Willamette will be the scene of blood and carnage.

The officers of our provisional government have nobly performed their duty. None can doubt the readiness of the patriotic sons of the west to offer their personal services in defence of a cause so righteous so it now rests with you, gentlemen, to say whether our rights and our firesides shall be defended, or not.

Hoping that none will be found to falter in so high and so sacred a duty, we beg leave, gentlemen, to subscribe ourselves,

Your servants and fellow-citizens,

JESSE APPLEGATE,
A. L. LOVEJOY,
GEO. L. CURRY,
} *Commissioners.*[*]

LETTER OF GEO. ABERNETHY,

Addressed to the commissioners to treat with the Nezperces Indians, and other tribes.

Oregon City, February 3, 1848.

GENTLEMEN,—

The object of appointing you commissioners to treat with the Nezperces and other tribes of Indians, is if possible to avert a general war with the Indians of the upper county, and to prevent a union among the tribes as far as possible.

To effect this, every effort should be made on your part as far as is consistent with the honor of American citizens.

There are some requisitions that must be complied with on the part of the Indians, and must be insisted on by you, viz:—

All the murderers, and those that forced the young women, must be delivered up for punishment; the property taken must be given up or an equivalent given, and restitution made of the property stolen from the immigrants last year. This you cannot ascertain, but it can be so arranged, that the persons who had property stolen from them, can get it hereafter or an equivalent. I am aware the greatest difficulty will be in obtaining the persons of the murderers, but the Indians must be given to understand in the commencement of negotiations, that this must be done, that no compromise can be made.

There may be some among those that are implicated in this affair, around whom some paliating circumstances may be thrown, these you will take into consideration.

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[*] Accompanying these papers is a letter to the Rev. Mr. Roberts, superintendent of methodist mission, which, as it contains nothing very dissimilar to the above letters, and is without date, is omitted.—See report of loan commissioners.—COM.

But the principal actors should be executed in the presence of all the tribes.

You will hold a council with the field officers of the army, and decide in council, what steps shall be taken to accomplish the most desired object, the restoration of peace. You will use every exertion to have the lives and property of our fellow citizens that may hereafter be traveling through the Indian country, preserved. The chiefs are able to govern their own people. Make as advantageous treaty with them as you can, binding them to use their influence to protect American citizens.

On your arrival at the Dalles, you must be guided by circumstances as to the time and place of meeting the chiefs, but let runners be sent among them, informing them of your intentions and object.

I have the honor to be, gentlemen, your obedient servant,

GEO. ABERNETHY,

Governor of Oregon territory.

To the Honorable Commissioners appointed to treat with the Nez-perces, and other tribes.

Adjutant General's office, Oregon City, Dec. 1, 1848.

SIR,—

Herewith I beg leave to transmit a report of the amount due the several companies composing the first regiment of Oregon riflemen, for their services in the war between the territory of Oregon and the Cayuse Indians, showing an aggregate of ($109,311 50) one hundred and nine thousand three hundred and eleven dollars and fifty cents.

This amount does not include the services of any of the commissioned officers, as there has been no provision made for their pay.

Company K. was formed out of the companies of Capt's. English and Garrison, on the 17th April, 1848, on which day the officers were elected.

Company I. was formed by Col. James Waters at Fort Waters on the 7th day of June, 1848, and remained in service until the 29th Sept. 1848.

I beg leave also to hand you herewith, two reports from the commissary and quarter-master general's department, viz:—

A. showing the amount of liabilities created by those departments; and B. showing the amount of disbursements by those departments.

I have the honor to remain, very respectfully, your ob't. serv't.

ALBERT E. WILSON,
Assistant Adjutant General.

To his excellency, Geo. Abernethy, Gov. of Oregon territory.

A.

REPORT OF THE COMMISSARY AND QUARTER-MASTER-GENERALS,

Showing the amount of Liabilities created by the Commissary, Quarter-master, and Ordnance departments, in the war between the territory of Oregon and the Cayuse Indians; classed as under:—

Aggregate of stationery,	$144 88 1-2
" " camp equipage,	799 58
" " horses, &c.,	1,927 00
" " saddlery,	732 63
" " arms and repairs,	1,319 60
" " ammunition,	827 21 1-2
" " merchandize,	4,060 44 1-2
" " transportation, creating Fort Gilliam included,	5,220 41 1-2
" " subsistence,	14,412 73 1-2
" " ferriage	683 92
" " medical department,	396 07
" " commissary's assistants, agents, expenses office rent, forage for volunteers' horses, &c.	1,139 07 1-2
" " premium on cash payments,	74 27
" " Indian agency,	254 18 1-2
" " California expedition,	551 70
" " interest account,	23 69
" " smithing and saddle making,	732 63
Total liabilities adjusted,	$33,300 04 1-2

Unadjusted liabilities when settled to be added to their respective accounts.

Merchandise, (from Cashes,)
Geo. Abernethy's account,
Hudson Bay Co's. account, (a small balance.)

Blacksmiths—Jason Wheeler,	days	at	
Joseph W Downer,	7 "	"	
W. T. Nanvoorst,	"	"	
David Weston,	"	"	
J. M. Johns,	"	"	
Saddlers—S. S. Duffield,	"	"	
J. R. Payne,	"	"	
Wm. Martin,	"	"	
Commissary's department—A. E. Wait,	"	"	
J. D. Crawford,	"	"	
H. A. Smith,	"	"	
S. H. Goodhue,	"	"	
J. Keller,	"	"	
— Johnson,	"	"	
W. H. Reese,	"	"	
J. Force,	"	"	
Qr. master's department—B. Jennings,	"	"	
C. W. Cooke,	"	"	
Jno. Fleming,	"	"	
Jas. Taylor,	"	"	
A. A. Robinson,	"	"	
Ordnance—A. C. R. Shaw,	"	"	
D. H. Lownsdale,	"	"	
S. J. Gardner,	"	"	
Wagon master—Henry Worden,	"	"	
Total,			$

LOT WHITCOMB,

Acting Commissary-General.

To A. E. Wilson, Acting Adj't.-General.

B.

REPORT OF THE COMMISSARY AND QUARTER-MASTER-GENERALS,

Showing the amount of Disbursements in the Commissary, Quarter-master, and Ordnance departments, in the war between the territory of Oregon and the Cayuse Indians, as per vouchers on file in this office.

Amount paid for stationery	$1 12 1-2
" " " ammunition	15 95
" " " camp equipage	

Amount paid for arms and repairs	
“ “ “ transportation	437 77
“ “ “ horse account	15,444 00
“ “ “ merchandize	4,256 08
“ “ “ saddlery	
“ “ “ subsistence	2,947 91 1-2
“ “ “ medical department	
“ “ “ California expedition	551 70
	$

Total amount of cash received from loan commissioners,	1,525 89
Deduct discount on sovereigns,	5 56
	$1,520 33
Amount received from other sources for which commissary's due bills are issued,	1,364 69
Total amount of cash received,	$2,885 02
“ “ “ “ paid out per vouchers,	1,811 15 1-2
Charged J. Palmer's private account	$ 73 86 1-2
This department has drawn orders on the loan commissioners from No. 1 to No. 207 inclusive.	
Cash included,	$16,127 33 1-2
Commissary due bills (outstanding) about,	5,301 00
The amount of subsistence when the returns are fully made, will not be far from	$11,464 00

There is remaining in the hands of the commissary general the following:—

At Ft. Wascopam about 60 head of spanish cattle; at forts Wascopam and Waters abort 25 horses; in the valley about 40 head of cattle, 8 or 10 horses, 6 kegs powder, 4 large kegs powder, 1 box caps, 4 rifles, 26 muskets, 1 shot-gun, lead, balls, shot, 1 tent, 5 sickles, 10 hoes, 4 hand-saws, 1 broad-axe, 1 adze, 1 fine saw, 1 cross-cut saw, 1 spade, 16 camp kettles, 2 frying-pans, 8 spoons, 9 tin pans, 10 plates, and 3 coffee-pots.

The several accounts of camp-equipage, arms, and repairs, and saddling, owing to reports from proper officers not being full on those accounts, and the transactions of the disbursing officers as yet are unsettled, renders it impossible to state the precise amount of articles lost and worn out in the service, consequently prevents at present being stated the amount paid by each. There are vouchers in this office covering the total amount of cost, when added to the amount in hand.

I have the honor to be, sir, your obedient servant,

JOEL PALMER,

Per Lot Whitcomb, *A.C.G.*

To A. E. Wilson, Acting Adjutant-General.

REPORT*

OF THE ADJUTANT-GENERAL.

To the Hon. House of Representatives.

Gentlemen,—

In answer to the resolution, calling upon this department for documents, papers, &c., &c., for information, I beg leave herewith to transmit the following documents, papers, &c., &c.

The record of the enlistment and discharge of the 1st regiment of Oregon riflemen (marked A.) shows the names of all officers, field and staff, together with a complete roll, term of service, and amount of pay belonging to each non-commissioned officer and private.

The field, staff, and commissioned officers, the respective amounts due them have not been carried out. There has been some difference of opinion, relative to the amounts due said officers. It has been contended by some that they were entitled to the same pay as officers of the same grade in the United States army. But this department has declined making up their pay at all, until such times as this department shall have further instructions from your honorable body.

The record, roll, &c., &c., include all that have been engaged in the war, except an extra official report by H. A. G. Lee of about 50 men, rank and file (marked B.), being the first company that went to the Dalles; and a report of Felix Scott, captain, who volunteered their services, and found themselves, to protect the southern frontier (marked C.); together with all orders to that officer that issued from this department; and one other report, which came to this office this day from Capt. Levi Scott, who commanded the California expedition, &c., (marked D.)

There was never any order issued to that officer from this department.

Agreeably to the report of Col. Lee, there were some few men who left the service without leave, which report is herewith transmitted for your inspection, (marked E.)

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* Without date.—Com.

There has been no proclamation issued since the 28th December, 1848; and why not recorded, because none to record; but I herewith transmit some proclamations and military orders, that issued on and since the 25th Dec., 1847, under the mark of F., all of which have been recorded in my office.

Forms have been issued to all officers requiring the same.

Returns have been generally received from the respective officers required to make returns, and the same have been duly recorded in my office at Oregon City; the same are embodied under the mark A.

There has been no report to this department from any person, on the reception of military stores, or funds of any kind, other than those referred to your honorable body by his excellency governor Abernethy. Nor has the commissary or quarter-master-generals reported to this department the manner in which they have expended the funds, if any they have received, or the military stores, other than as above.

The governor has always informed and thoroughly advised of the doings and acts of the army at all times, up to the time of disbanding the army, and since that time when any new matter occasioned anything new.

And, in conclusion, allow the undersigned to observe that the officers were generally disposed to do their duty, but, owing to the want of books and information relative to their respective duties, there were many informalities which, of course, has rendered it very difficult for this department to arrive to an exactity, in relation to the number of men, rank and file.

There was, continually, transfers going on from one company to another, though contrary to instructions. Likewise, there was, among the commissioned officers, resignations going on and new elections taking place, to fill the respective vacancies occasioned thereby, which, by personal interviews with some of the officers, would seem, never reached this office, and, most likely, there were some commissioned officers who acted in their respective capacities, who have not been reported, and the same may be the case with some of the privates.

In the case of H. A. G. Lee's extra official report under the mark of B., the said men have not been reported to this office at all, and this is the reason they are not enrolled among the other companies under the letter A.

These men responded to their country's call, and were on the line of march, without an hour's warning, to avenge their country's wrongs—and shall they have no pay?

And, likewise, in the case of Capt. Levi Scott, who commanded the California expedition, whose report came into my office this day. That officer, and those connected with him, underwent many hardships and fatigues in the service of their country.

It was deemed by the governor, and the community generally, that an express to California would, in a measure, relieve this government from its then critical situation, which was ardently desired by all.

Captain Levi Scott was commissioned, 7th March, 1848, with grade as captain, and from 5th February, 1848. Likewise, Captain Felix Scott, L. N. English, 1st lieutenant, and J. H. Lewis, 2nd lieut.

These officers were commissioned 10th May, 1848, with the grade respectively and rank from the 1st of May, 1848. How long, and what time, these said officers and privates were in service, has never been reported to this department.

J. M. Garrison was commissioned as captain, the 7th March, 1848, and took command of a small reinforcement, and proceeded to the Dalles, where said Garrison was directed to remain subject to the orders of the commandant in the field. How long the said Garrison served in that capacity is unknown to this department.

I herewith transmit further for your consideration and information all military orders issued by the governor that did not pass through this department, (under the letter H.)

Every information and explanation that is in the power of this department, will be cheerfully given; while

I have the honor to remain, gentlemen,

Your very humble and obedient servant,

A. L. LOVEJOY,

Adjutant-General.

REPORT*

OF LOAN COMMISSIONERS.

To the Hon. the Legislative Assembly of Oregon Territory.

The undersigned commissioners appointed by your honorable body for the purpose of negotiating a loan to carry into effect the provisions of an act entitled "An act to authorize the governor to raise a regiment of volunteers, &c.," have the honor to inform you that, fully realizing the heavy responsibilities attached to their situation, and the peculiarly difficult nature of their duties, they at once determined to act with promptness and energy, and to leave no fair and honorable effort untried, that might have a tendency to a successful termination of their undertaking.

They accordingly proceeded to Fort Vancouver, on the 10th inst., and there addressed a communication to James Douglas, chief factor of the Hudson's Bay company, a copy of which (marked A.) will be found among the accompanying documents. The commissioners had anticipated the unfavorable reply of Mr. Douglas,* as agent of the Hudson's Bay company, and its only effect was to heighten their zeal, and to occasion them stronger hopes of a more satisfactory reliance upon the citizens generally of our common country.

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* The original without date. —Com.

However, two of the commissioners, with the governor, became responsible for the amount of the outfit for the 1st regiment of Oregon riflemen, being $999 59.

Not at all disheartened by the unsuccessful issue of their mission, the commissioners returned to this city on the 13th instant, and at once entered into negotiations, the revelation of which herewith follows.

It will be seen, by document marked C., the commissioners, through a public meeting held at Oregon City on the night of the 13th instant, addressed the "merchants and citizens of Oregon," at which meeting, from citizens generally, a loan of about one thousand dollars was effected.

Document marked D, will show the correspondence on the part of the commissioners with the Rev. Mr. Roberts, superintendent of the "Oregon methodist mission."

The negotiation is not yet concluded entirely, yet the commissioners feel safe in reporting a loan from this source of one thousand dollars.

The commissioners are happy to state that they have succeeded in negotiating a loan of sixteen hundred dollars from the merchants of Oregon City, with, perhaps, a likelihood of a further advance.

The commissioners feel well assured, from the interest manifested by our fellow citizens in the matter, and the prompt action they have proposed to take in the several counties in the territory to assist the commissioners in the successful discharge of their duties, that the government will ultimately succeed in negotiating an amount adequate to the present emergency of affairs.

The commissioners would beg your honorable body, with as little delay as possible, to appoint appraisers, whose duty it shall be to set a cash valuation upon produce, and other property, which may be converted into means to assist government in its present operations.

Therefore, gentlemen, as we believe we can no longer be useful to our fellow citizens as a board, we hope to be permitted to resign our trust into the hands of the proper accounting officers of this government.

We have the honor to remain,

JESSE APPLEGATE,
A. L. LOVEJOY, } *Commissioners.*
GEO. L. CURRY,

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* See note attached to Mr. Douglas' letter.—Com.

S - L.

NOTE.

The law creating the office of commissioner to collect the "Oregon Archives," and prepare the same for publication, made provision for including therein the Journals of the Legislative Assembly of Oregon, of the session begun and held in 1849; but, by joint resolution of the said assembly, held in the winter of 1853-4, just previous to the completion of this work, the journals of 1849 were ordered to be printed in pamphlet form, by themselves, and, consequently, will not be found in this volume, as by the title indicated.

L. F. G., *Commissioner.*